

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38778 OF 2016

Dated:10.11.2016

Between:

IVRCL Limited (Formerly known as IVRCL
Infrastructure & Projects Ltd.), a Company
Incorporated under the Companies Act, 1956,
Having its registered office at M 22/3RT,
Vijayanagar Colony, Hyderabad, rep., by its
Chief Operating Officer, Water Division and
Authorised Signatory, Sri Naga Satish
Chandra Amanchi, S/o.Amanchi,
Aged 59 years, R/o. Hyderabad .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Public Health & Municipal
Engineering Department, Secretariat
Buildings, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.38778 OF 2016****ORDER:**

Heard.

2. Both learned counsel for the petitioner and learned Advocate General submit that the issue raised in this Writ Petition is squarely covered by the judgment of this Court in W.P.No.39915 of 2015, dated 10.12.2015.

3. In view of the same, following the aforesaid judgment, this Writ Petition is also partly allowed by observing as follows:

“Learned Advocate General appearing for the respondents fairly states that since one of the contentions raised in the writ petition relates to violation of principles of natural justice, respondents are willing to give notice to the petitioner on the conclusions reached against him in the vigilance report and give him an opportunity to submit its reply/explanation/objections and then the 5th respondent will hear the petitioner and then pass appropriate order.

In view of the said consensus, the impugned order of respondent No.5, being violative of principles of natural justice, is set aside and the entire issue stands remitted to the 5th respondent, who shall give notice to the petitioner with regard to the conclusions reached against him in the report.

Since the petitioner already has a copy of the vigilance report, the petitioner shall file its response to the said notice within four weeks from the date of receipt of the notice and thereafter the 5th respondent shall fix a date for hearing, intimate the petitioner, hear him and take appropriate decision in the matter, in accordance with law. Impugned proceedings of the 5th respondent are accordingly set aside and the matter is remitted to the 5th respondent to comply with the directions as mentioned above.”

4. Before parting with the case, it is to be noted that as seen from the record, earlier similar decision was taken without following due procedure and on a representation made by learned Advocate General that due procedure will be followed, this Court disposed of W.P.No.39915 of 2015 on 10.12.2015 with the same directions as noted above. In spite of such an order, again in similar circumstances, W.P.No.883 of 2016 was disposed of following the earlier order passed in W.P.No.39915 of 2015. In spite of well settled principle that whenever an adverse order is passed, due procedure is required to be followed and in spite of earlier directions, the Executive Engineer, the 6th respondent, straightaway passed the impugned order without following the due procedure. In order to avoid such kind of litigation in future, the Engineer-in-Chief, the 4th respondent, is directed to issue suitable instructions to all Unit Heads to follow the due procedure. He shall also call for explanation of the 6th respondent as to how he has straightaway passed the impugned order without putting the petitioner on notice and calling for his explanation. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:10.11.2016

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