

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.19370 OF 2009

ORDER :

The petitioner challenges order dated 13.06.2009 as illegal, arbitrary and unconstitutional.

To appreciate the primary contention of petitioner, the operative portion of the order impugned is excerpted hereunder:

“Sri A.Lakshmi Narayana, Field Assistant, Kistappapeta Grampanchayat, working from 20-12-2007. On 8-6-2009 the Additional Project Director and Assistant Project Director inspected and submitted report and issued show cause notice calling explanation as to why not terminate the service.

The explanation submitted by you on 12-6-2009 is not satisfactory and the said explanation is not believable and acceptable.

Therefore you have terminated under the NREGS as Field Assistant. The said orders will come in to force on 13-6-2009.

Against the said order, appeal to Additional programme Officer and Project Director DWMA within 30 days.”

On 15.09.2009, the order impugned in the writ petition was suspended by this Court and the suspension is subsisting as on date. Respondents filed petition to vacate the said interim order.

Mr.Rama Rao appearing for petitioner by drawing the attention of this Court to the explanation submitted and cryptic manner in which the order impugned in the writ petition has been passed, contends that the order impugned is not with any reason and rejection of explanation though is well within the jurisdiction of the respondents, the same shall be informed by reasons and in the caser on hand, except one sentence recording ‘not believable and acceptable’, no reason whatsoever is stated.

The Assistant Government Pleader having regard to the fact that the order impugned in the writ petition is suspended on 15.09.2009 and same is in operation, on instructions, submits that the 4th respondent will reconsider the explanation of petitioner and pass appropriate orders. The order impugned in the writ petition is set aside and the matter is remanded to 4th respondent for passing orders afresh. The petitioner is also given liberty to file additional representation, if any, within 15 days from the date of receipt of a copy of this order. Till a decision is taken and final order is communicated, status quo as on date is directed to be maintained.

The writ petition is allowed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date:03.06.2016

Stp