

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 10589 of 2016

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the order passed by the Mandal Praja Parishad Development Officer, Unguturu Mandal, West Godavari District, 3rd respondent, by proceedings Rc.No.2/APO/2016, dated 14.03.2016.

2. Heard Sri D. Murali Krishna, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj appearing for the respondents 1 and 2, and Sri Ravi Cheemalapati, learned counsel for the 3rd respondent.

3. According to the petitioner, he joined as a Field Assistant, pursuant to the proceedings of the 3rd respondent, *vide* Rc.No.242/B/2010, dated 26.06.2010, and subsequently, in the year 2013, he was posted as Senior Mate. The sum and substance of the grievance of the writ petitioner is that without issuing any prior notice to him and without conducting any enquiry, the 3rd respondent passed the impugned order dismissing him from service. It is also categorically stated in the affidavit filed in support of the writ petition that at no point of time, the petitioner was afforded any opportunity of being heard,

and as such, the impugned action of the 3rd respondent is in violation of the principles of natural justice.

4. The order impugned in the present writ petition does not refer to any notices issued to the petitioner prior to passing of the said order. Therefore, on the ground of violation of principles of natural justice, the impugned order is liable to be set aside.

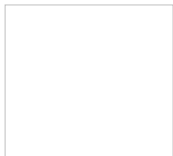
5. Accordingly, the Writ Petition is allowed setting aside the order passed by the 3rd respondent *vide* proceedings Rc.No.2/APO/2016, dated 14.03.2016. The matter is remanded to the 3rd respondent for passing appropriate orders, in accordance with law, after giving a notice and an opportunity of hearing to the petitioner. This exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J.

11th April, 2016

cbs



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