

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40534 of 2015

Dated : 21.01.2016

Between:

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Dannana Prasada Rao S/o.Late Satyanarayana,
Aged 35 yrs, Occu : Service,
R/o.Bejjipuram Village,
D.No.3-47, Murapaka Post,
Laveru Mandal, Srikakulam District.

.. Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Panchayat Raj & Rural Department,
J-Block, 8th Floor, Andhra Pradesh Secretariat,
Saifabad, Hyderabad & 4 others.

.. Respondents

This Court made the following :

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ORDER :

The petitioner is working as Field Assistant, Bejjipuram Gram Panchayat, Laveru Mandal, Srikakulam District. Disciplinary proceedings were initiated against him alleging certain irregularities in performing the functions as Field Assistant. The disciplinary proceedings resulted in passing of the order dated 16.11.2015 removing the petitioner from service. Challenging the said order this writ petition is filed.

2. The only contention urged at this stage is that though detailed explanation is filed by the petitioner without assigning any reasons the impugned order is passed and therefore, the order is not sustainable in law. It is further contended that since no reasons are assigned in support of the decision to remove the petitioner, the question of availing the remedy of appeal does not arise.

3. The order impugned in the writ petition is penal in nature. It is passed as a consequence to the disciplinary action alleging mis-conduct by the petitioner. It being a quasi-judicial decision, such decision must be supported by reasons, more so, when it results in penal consequences. The authority passing order in taking disciplinary action must assign reasons as to why the explanation offered by employee is not valid; that the charges leveled against him are based on the material on record; and the explanation offered is not satisfactory as compared to the material available on record. Unless reasons are assigned in support of the decision, the aggrieved employee can not be compelled to file appeal. In the absence of reasons he cannot raise appropriate grounds against such decision. Thus, the order impugned is not sustainable on this ground alone and is liable to be set aside. It is accordingly set aside.

4. It is made clear that the impugned order is set aside only on the ground that it does not contain reasons. Liberty is granted to the competent authority to take proper further course of action as warranted by law by following the due process.

5. Accordingly the writ petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

21st January, 2016.
Rds

P.NAVEEN RAO,J