

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.22950 OF 2009

ORDER:

The petitioner challenges order dated 14-10-2009 as illegal, arbitrary and unconstitutional.

Through the impugned order, 2nd respondent terminated the petitioner, who was working as Field Assistant under National Rural Employment Guarantee Scheme. The complaint of petitioner is that 2nd respondent by reference to the inspection on 28-02-2009 and 18-03-2009 issued notice, dated 05-03-2009 to the petitioner calling upon him to show cause why he shall not be terminated as Field Assistant. The petitioner admittedly gave explanation, dated 11-03-2009 and the 2nd respondent did not consider the explanation offered by petitioner and thus the order terminating the petitioner firstly causes stigma on the performance of the petitioner and secondly termination for alleged mis-conduct without recording reasons is violative of principles of natural justice.

On 27-10-2009, this Court granted interim suspension and the same is subsisting as on date.

The respondents filed W.V.M.P.No.4140 of 2009 seeking vacation of the interim order, dated 27-10-2009.

I have perused the stand taken in the counter affidavit filed along with the vacate stay petition.

Prima facie, I am satisfied that the termination order does not reflect the reasons for termination of petitioner and secondly, the explanation dated 11-03-2009 is also not considered.

Sri L.J.Veera Reddy, learned counsel for the petitioner submits that according to applicable procedure, as on date, 1st respondent is the competent authority.

Therefore, the termination order is set aside and the matter is remanded to 1st respondent to consider the explanation already filed

by petitioner and pass appropriate orders, after affording an opportunity to the petitioner, within three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed and remanded. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date: 06.04.2016
Prv

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