

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.24079 of 2016**

**ORDER:**

The petitioner was appointed as a Clerk in 1984 in the fifth respondent Society. Thereafter, he was promoted as Secretary in the year 1995. Now he has been working as Chief Executive Officer of the Society since 26.03.2008. It is the case of the petitioner that after the election of his wife as Sarpanch of Rampur Village, political animosity developed against the petitioner and his wife resulting in conducting of enquiry on the allegations of misutilisation of “Pavala Vaddi” funds. He was kept under suspension in March 2015 and he has been under suspension as of now. The enquiry is completed and it appears that after considering the enquiry report a resolution was passed on 15.06.2016 unanimously deciding to remove the petitioner from service and before taking such action, a show cause notice was issued on 28.06.2016. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the fifth respondent Society has no jurisdiction to take a decision for removal of the petitioner and since the Society has already taken a decision, nothing remains to explain to the show cause notice. But, this Court is not able to accept the said contention. Now the domestic enquiry is completed and the enquiry report was submitted. The enquiry report was considered by the fifth respondent Society and it took a decision to accept the said report and decided to remove the petitioner. Now only a show cause notice is issued and if any process has to be followed, it is needless to state that the said process will be followed by the fifth respondent. It is premature to hold that the fifth respondent would pass an order of termination without following due process of law. Now the present show cause notice is in pursuance of the said process only.

In the circumstances, it is open to the petitioner to submit his

explanation and the fifth respondent shall consider the same dispassionately in spite of the resolution dated 15.06.2016 and take necessary action in accordance with law. Time for submission of the explanation is extended by two more weeks from today.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

21.07.2016

vs