

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.25215 OF 2016

ORDER:

The petitioner is an employee of 4th respondent. When he was working as Deputy General Manager, he applied for the post of Chief Executive Officer in the bank and while working as such, it appears that certain irregularities came to the light of the bank in an enquiry conducted under Section 53 of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). The enquiry report under Section 53 of the Act was placed before the general body and the petitioner was placed under suspension, vide proceedings, dated 07-03-2015. Charges were framed against the petitioner, for which, he submitted his explanation on 25-07-2015 and 08-08-2015. As his explanation was found not satisfactory, a domestic enquiry was ordered. The Enquiry Officer submitted his report and basing on the report of the Enquiry Officer, a show-cause notice was issued to the petitioner on 15-07-2016 giving 7 days time to submit his explanation. The petitioner sought time and one more week time was granted. In the meanwhile, the petitioner approached this Court by way of this writ petition and when this writ petition was taken up for consideration on 29-07-2016 and was adjourned to 02-08-2016, an order was passed on 30-07-2016 by the bank dismissing the petitioner from service w.e.f. 01-08-2016.

2. The order of dismissal was passed during the pendency of the writ petition, which is filed challenging the show-cause notice. In the circumstances, this Court is inclined to set aside the order, dated 30-07-2016 though the said order was not challenged in the present writ petition in order to give fair opportunity to the petitioner pursuant to the show-cause notice, dated 15-07-2016. The petitioner is given time till 10-08-2016 for submission of his explanation to the show-cause notice, dated 15-07-2016 and the 4th respondent is directed to consider the said explanation impartially and pass appropriate orders thereon.

3. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 03-08-2016

Hsd

Note: Issue CC by tomorrow