

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.20419 of 2016

ORDER:

1. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

2. The petitioner claims to have been appointed as Junior Assistant vide proceedings dated 07.05.2008 issued by the Manager of the 5th respondent temple. Time scale was extended to him by the 4th respondent by proceedings dated 26.05.2008. The 5th respondent temple was taken over by the Endowment Department with effect from 07.05.2008. It is the case of the petitioner that he was appointed as a Clerk by the Managing Committee of the said temple till it was taken over by the Endowment Department on 07.05.2008. The revised pay scale of PRC was also extended to him by proceedings dated 04.06.2009. He was sent on deputation to Langarkhana choultry by proceedings dated 21.07.2009. The 3rd respondent issued another proceedings dated 09.11.2009 for effecting another PRC 2005 and the consequential proceedings were issued by the Executive Officer of Langarkhana choultry on 10.11.2009. The petitioner claims to be a regular employee. The 5th respondent issued proceedings on 23.06.2015 dismissing the petitioner from service and challenging the same, the petitioner filed W.P.No.31679 of 2015. This Court allowed the said Writ Petition on 30.09.2015 setting aside the said dismissal order. Thereafter, he was reinstated into service on 23.11.2015. However, a show cause notice was issued to him on 05.09.2015 and it was followed by another notice on 09.12.2015 and on the same day, he submitted his explanation. However, when an order of termination was passed by the 5th respondent by proceedings dated 01.06.2016, the present writ petition was filed.

3. A perusal of the impugned order shows that the said order was passed by the 5th respondent as he noticed certain irregularities in the matter of appointment of the petitioner, regularization of his services and

implementation of PRC. The main allegation is that the appointment order was fabricated and in those circumstances, the order of removal was passed.

4. The learned Counsel for the petitioner submitted that the order of removal was not preceded by any enquiry known to law and hence the impugned order is *ex facie* illegal.

5. This Court is *prima facie* satisfied with the said submission and enquired from the learned Standing Counsel for the respondents with regard to the manner of passing of the impugned order. The learned Standing Counsel for the respondents fairly conceded for disposal of the writ petition setting aside the impugned order.

6 . In the circumstances, the Writ Petition is allowed by setting aside the impugned order passed by the 5th respondent on 01.06.2016 without expressing any view on the merits of the case and remanded the matter to the 5th respondent for conducting an enquiry and passing appropriate orders thereon after affording an opportunity of hearing to the petitioner. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

24-06-2016
Gsn