

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25746 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a writ, or order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondent in issuing the impugned proceedings in HRD/General/2014-15/3438/106, dt.22.07.2015 dismissing the petitioner from service without conducting departmental enquiry is illegal, arbitrary, unconstitutional and violation of principles of natural justice and consequently set aside the impugned proceedings in HRD/General/2014-15/3438/106, dt.22.07.2015 issued by the respondent with a direction to continue the petitioner as Deputy Manager (Technical) in the respondent Federation with all consequential benefits.”

2. Heard, Sri K.V.Seshagiri Rao, learned counsel for the petitioner and learned Standing Counsel for respondent.

3. When the matter is taken up it is represented by learned counsel for the petitioner so also learned Standing Counsel for respondent that the issue in the present writ petition is squarely covered by an order passed by this Court in writ petition No.26371 of 2015, dated 18.12.2015 and a copy of the same is placed on record as material paper.

4. In view of the same and for the reasons recorded therein, this writ petition is allowed and the matter is remitted to the disciplinary authority to the stage of receiving of explanation to the charge memo. It is open to the disciplinary authority to consider the explanation submitted by the petitioner and to take further course of action strictly in accordance with the service regulations governing the petitioner. It is made clear that there is no expression of opinion on merits of the allegations made against the petitioner and the defence of the

petitioner. The only issue for consideration is not following the procedure before imposing the punishment of dismissal from service and all other issues are left open.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

04.04.2016

Note: Copy of the order in W.P.No.26371 of 2015,
dated 18.12.2015, shall be annexed.

B/o.
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Dated : 04.04.2016

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