

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2245 OF 2016

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DATED : 28.01.2016

Between :

G. Ramana S/o.Rajaiah,
Age 46 yrs, Occu : Sanitary Staff (Removed),
R/o.20th Ward, Vengalrao Colony,
Amudalavalasa, Srikakulam District.

.. Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Health, Medical and Family Welfare Department,
A.P.Secretariat, Hyderabad & 4 others.

.. Respondents

This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader and with their consent the writ petition is disposed of at the admission stage.

2. The petitioner is an employee of Agile Security Forces Pvt. Ltd., which is undertaking the job of sanitation in the Rajiv Gandhi Institute of Medical Science and Medical College, Srikakulam. Petitioner is working as an out sourcing employee claims to be working since 6 ½ years as part of the sanitary team in the institute premises. The Superintendent of Institution found that petitioner was indulging in illegal activities in the premises of the Institute. In the impugned proceedings dated 20.01.2015, the Superintendent (3rd respondent) having noted that the petitioner has committed certain grave illegalities in performance of his duties, advised the Security Agency to terminate his services. This resulted in termination of his services.

3. Learned counsel for petitioner contends that in view of proceedings of the Superintendent the security agency has no option but to terminate the services of the petitioner. The grievance of the petitioner is that he was not put on notice before taking such course and even if the term used as requested, it is nothing but a command to the security agency and the security agency has no option but to terminate the services of the petitioner without following the due process.

4. Learned Government Pleader also accepts that the petitioner is not an employee of the Institution. The institute ought not to have taken such course as impugned in the writ petition. If it is brought to the notice of the competent authority about the illegal activities of the petitioner, the authority ought to have informed the security agency of the alleged illegalities of the petitioner and to take further course of action. It is for the security agency to take appropriate action by following the due process. Thus, the impugned order is in excess of jurisdiction on a person who is not employed by the institution.

5. Having regard to the above, the impugned proceeding is set aside leaving it open to the Security Agency who is an employer of the petitioner to take appropriate action as warranted by law by following the due process.

6. Accordingly, the Writ Petition is allowed. There shall be no order as to

costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

_____ **P.NAVEEN RAO,J**

28th January, 2016

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