

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26392 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the impugned proceeding No.A/2056/2017, dated 14.07.2017, issued by the 1st respondent in so far as terminating the services of the petitioner with immediate effect and dismissing from the post of Computer Operator as illegal, and null & void and consequently direct the respondents to retain and continue the petitioner in service as Mee-Seva Computer Operator in the 3rd respondent office with all consequential benefits, by holding the action of the respondents in terminating and dismissing the petitioner from service as Computer Operator without issuing any notice and opportunity and further without conducting any enquiry against the petitioner is as illegal, arbitrary, discriminatory and subversive of Articles 14 and 16 of the Constitution of India.

2. Heard Sri Ch. Jagannatha Rao, learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents and perused the material available on record.

3. The case of the petitioner is that the petitioner was appointed as Data Entry Operator in the 3rd respondent office from March, 2012, on payment of Rs.8,000/- per month and subsequently, the petitioner was working as Mee-Seva Computer operator on outsourcing basis from January, 2014, onwards.

4. The main grievance of the petitioner is that the 1st respondent issued the impugned proceedings, dated 14.07.2017,

terminating the petitioner's services with immediate effect and dismissed from the post of Computer Operator in the Office of the Tahsildar, Chandurthy, basing on the proceedings, dated 08.06.2017, issued by the 2nd respondent directing the 1st respondent to dismiss the petitioner and another stating that the petitioner and another have involved in changes in Pahani in Government land without taking prior permission from the competent authority and it is done with the collusion of the Village Revenue Officer, due to which the image of the department was damaged which is serious lapse on the part of the Computer Operators and serious breach of trust and irresponsibility and gross negligence of duties.

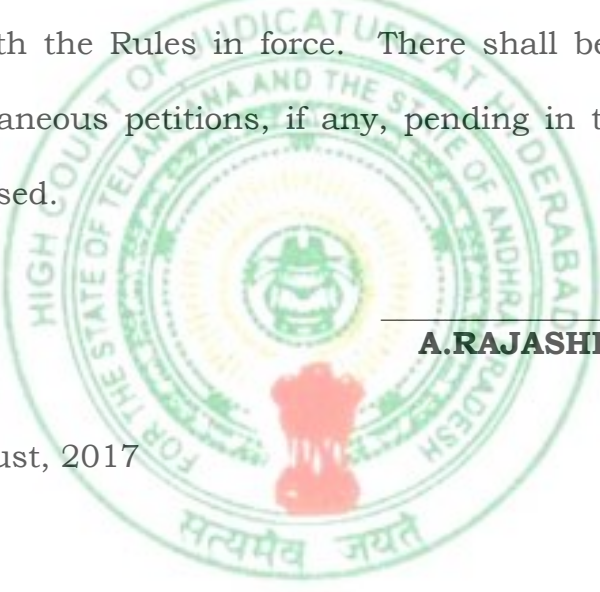
5. Learned counsel for the petitioner submits that in the enquiry conducted against one M. Srinivas, Ex-MRI, the petitioner was asked to come as a witness and basing on the statement of the petitioner, without conducting any enquiry and without issuing any notice to the petitioner, the impugned proceedings, dated 14.07.2017, was passed by the 1st respondent and that the said impugned order is passed basing on some allegations, which cause stigma on the services of the petitioner and the same is in violation of principles of natural justice.

6. Learned Government Pleader for Revenue submitted that the petitioner is only an outsourcing employee and that he admitted that he was involved in the alleged incident and as such no interference is required.

7. Taking into consideration the facts and circumstances of the case and the grievance of the petitioner and also the submissions

of the learned counsel for the petitioner as well as the learned Government Pleader for Revenue for the respondents, this Court is of the view that the impugned proceedings, dated 14.07.2017, is liable to be set aside since the 1st respondent has issued the above said impugned proceedings without giving any prior notice to the petitioner.

8. Accordingly, the Writ Petition is allowed by setting aside the impugned proceedings, dated 14.07.2017, issued by the 1st respondent. However, this order will not preclude the respondent authorities from taking any action against the petitioner, in accordance with the Rules in force. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



A.RAJASHEKER REDDY, J

Date: 16th August, 2017

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