

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28072 OF 2017

ORDER:

This writ petition is filed against the order in Rc.No.77/Enquiry/SDHH/MBNR/17, dated 09-06-2017, whereby services of the petitioner were terminated under rule 17(a) (ii) of A.P.Subordinate Service Rules, 1996.

Learned counsel for the petitioner submits that no notice was issued to the petitioner before conducting enquiry against the petitioner. Only after Enquiry Officer submitted report, the petitioner was issued show-cause notice on 20-05-2017, for which he filed explanation on 15-04-2017. There was no opportunity for the petitioner to participate in the enquiry and there was no opportunity to cross-examine the witnesses. As such, the issuance of show-cause notice and passing of impugned order is in violation of principles of natural justice.

Learned Assistant Government Pleader for Services produced enquiry report dated 24-03-2017 which goes to show that no opportunity was given to the petitioner and even the impugned proceedings also does not indicate that notice was issued to the petitioner before conducting enquiry. It appears that enquiry was conducted exparte without notice to the petitioner and show-cause notice issued subsequent to that. As such, basis for passing impugned order is enquiry report, which was not conducted after issuing notice to the petitioner, the same is in violation of principles of natural justice. As such, impugned order is set aside. However, this order will not

preclude the disciplinary authority from taking appropriate action and concluding disciplinary proceedings after following the procedure.

Accordingly, the writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

21-09-2017

Nvl



