

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos. 210, 211 and 219 OF 2012

COMMON ORDER :

In all these writ petitions, petitioners are challenging the termination orders of their contracts entered into with the respondent Corporation and also for a direction to the respondent-Corporation for refund of the EMD and Security Deposit amounts.

Learned Counsel for the petitioners submits that though show cause notices are issued and petitioners submitted explanation with necessary material, without considering the same, the impugned orders have been passed without recording any reasons except saying that explanation of the petitioners is not convincing.

On the other hand Sri N.Vasudeva Reddy, learned Standing Counsel for respondent Corporation submits that as petitioners were paying less than the Minimum Wages as fixed by the Commissioner of Labour from time to time and also there is breach of terms and conditions of contract including unsatisfactory work, show cause notices were issued to the petitioners and after considering the explanations, impugned orders are passed. He also submits that as contract period is already over in all the writ petitions, no interference is called for.

In this case, it is to be seen that admittedly, show cause notices were issued to the petitioners and petitioners also submitted explanation along with necessary material, but, the respondents passed impugned orders only

stating that the explanations submitted by the petitioners is not convincing. The object of giving show cause notice is to consider the explanation and pass a speaking order, but in the impugned orders no reasons are given by the respondent-Corporation, which is in violation of principles of natural justice. On the sole ground itself the writ petitions are liable to be allowed and accordingly allowed to the extent of forfeiting Security Deposit and Earnest Money Deposit, since the contract period is already over in all the writ petitions. This Court is also of the opinion that no purpose would be served in remanding the matter at this point of time.

Accordingly, all the writ petitions are disposed of directing the respondent-Corporation to return EMD and Security Deposit to the petitioners. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

14.10.2019
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