

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.18888 of 2017

ORDER :

Heard the counsel for petitioner, and Smt. R. Padma Rekha, learned Standing Counsel for 7th respondent.

2. This Writ Petition has been filed challenging the order dt.10.04.2017 passed by the 7th respondent terminating petitioner's services on the ground that he did not attend the enquiry fixed on 10.04.2017, in spite of the fact that notice of the enquiry was given to him on 18.03.2017 fixing the date of enquiry as 10.04.2017.

3. The counsel for petitioner contends that the petitioner had high fever on 10.04.2017 and his mother had a paralytic stroke at that time and so he could not attend the enquiry; that he informed these facts to the 7th respondent on 10.05.2017 through a letter, but the 7th respondent has not taken any action thereon. In support of his plea that he suffered illness, he has filed medical certificate of himself and of his mother.

4. The counsel for petitioner further contends that, but for the above reasons, the petitioner would have attended the enquiry on 10.04.2017 and his absence to attend the said enquiry on that day is neither willful nor wanton, and therefore the impugned order be set aside.

5. Though Sri R. Padma Rekha, learned Standing Counsel for 7th respondent, sought to contend that petitioner's absence was rightly taken as a ground for terminating his services permanently since admittedly he was absent only on 10.04.2017 at the time of the enquiry, and since it appears that he was seriously unwell on that day and his mother also was unwell, I deem it proper to set aside the order dt.10.04.2017 and direct the petitioner to appear before the 7th respondent on 29.06.2017 at 11:00 a.m. without fail.

6. The 7th respondent shall then proceed with the enquiry and then pass appropriate orders in accordance with law.

7. If the petitioner does not appear before the 7th respondent on that day, the Writ Petition shall stand dismissed.

8. Accordingly, the Writ Petition is allowed to the above extent. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14-06-2017

Note : Issue C.C. by 21.06.2017.

B/o.

Ndr/*