

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.23829 of 2006

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments, apart from perusing the material available before the Court.

2. According to the petitioner, he was appointed as Cook in Annadanam Section of 1st respondent-Temple in the year 1990. The grievance of the petitioner in the present writ petition precisely is that without framing any charge and without holding any enquiry and without affording any opportunity of being heard, the 1st respondent-Executive Officer dispensed with the services of the petitioner herein.

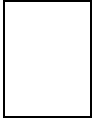
3. It is a settled and well established proposition of law that any action which has civil consequences must be preceded by a notice and opportunity of being heard to the persons likely to be affected by such action. In the instant case, the said principle is followed in breach.

4. No counter affidavit is filed by the Respondents, denying the averments made in the affidavit filed in support of the writ petition. Therefore, the averments made in the writ petition are to be treated as true and correct.

5. For the aforesaid reasons, the writ petition is allowed, setting aside the order passed by the 1st respondent-Executive Officer dated 8.10.2006. However, it is open for the Respondents herein to take action against the petitioner herein, strictly in accordance with law, if they are advised to do so. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 15.11.2017
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