

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.3043 of 2009

ORDER:

This Writ Petition under Article 226 of the Constitution of India came to be filed by the petitioners seeking issuance of Writ of Mandamus declaring the proceedings in Rc.No.21/A/2005 dated 29.01.2006 of the first respondent as illegal and arbitrary.

The material on record would reveal that the respondent authorities issued show cause notice bearing No.Rc.No.21/A8/2005 dated 29.01.2009 to the petitioners herein in connection with destruction of Service of Register of Sri P.Muralidhara Rao, former SGT, demanding them to submit their explanation within seven days therefrom. However, without submitting any explanation to the said show cause notice, present writ petition came to be filed by the petitioners challenging the issuance of said show cause notice.

Learned Government Pleader opposed the writ petition raising various grounds. He contends that since only a show cause notice has been issued to the petitioners, the petitioners could have submitted their explanation to the said show cause notice instead of filing the present writ petition.

Having regard to the rival submissions made and after perusing the entire material on record, this Court is of the view that since only a show cause notice has been issued to the petitioners calling for an explanation in connection with destruction of one P.Muralidhara Rao, there is nothing to show that the issuance of show cause notice is contrary to any law or rule.

At this juncture, it is brought to the notice of this Court that, in fact, the petitioners have submitted their explanation on 06.02.2009 before concerned authority. That being the position, entertaining the present writ petition would not arise.

Having regard to the fact that there is an interim order in favour of the petitioners since the year 2009, the respondent authorities shall pass appropriate orders on the explanation submitted by the petitioners pursuant to the show cause notice after giving an opportunity of hearing to the petitioners and the persons aggrieved, if any, as early as possible, preferably within a period of three months. Till such time, no coercive steps shall be taken against the petitioners on the basis of the show cause notice dated 29.01.2009.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall also stand closed.

07.02.2017
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C. PRAVEEN KUMAR, J