

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT PETITION No.28828 of 2017**

**ORDER:**

This writ petition is filed questioning proceedings, dated 26.07.2017, by which, respondent No.4 – Project Director, District Water Management Authority & Ex-Officio Joint Secretary, SRDS, SPSR Nellore District, terminated the services of petitioner as Engineering Consultant, National Rural Employment Guarantee Scheme (NREGS).

The main ground on which the petitioner filed this writ petition is that without issuing him any prior notice, respondent No.4 issued the proceedings impugned terminating his services.

Learned counsel for the petitioner submits that since no notice is issued to the petitioner prior to the termination of his services, the impugned proceedings are liable to be set aside on the ground of violation of principles of natural justice.

Learned Standing Counsel produced before this Court written instructions, dated 30.08.2017 and stated that when show cause notice was sent to his address, the petitioner was not found and his house was locked, as such, the notice was pasted on the wall of the petitioner's house and therefore, the impugned

proceedings does not suffer from any violation of principles of natural justice.

It is to be noted that when the petitioner was not found in the address furnished by him, the respondents ought to have sent the show cause notice by registered post.

In view of the above, this Court is of the opinion that the impugned proceedings are liable to be set aside only on the ground of violation of principles of natural justice.

Therefore, the Writ Petition is allowed and the impugned proceedings are set aside. However, the same shall be treated as show cause notice and the petitioner is permitted to submit explanation thereto within three weeks from today. On such submission, respondent No.4 shall consider the case of the petitioner and pass orders in accordance with law. If the petitioner does not cooperate in the matter, it is open for respondent No.4 to take appropriate action against him.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand disposed of. No order as to costs.

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**A. RAJASHEKER REDDY, J**

8<sup>th</sup> SEPTEMBER, 2017.

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