

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.21058 of 2009

ORDER:

Petitioner challenges proceedings No.B/EGS/776/MPPG, dated 22.09.2009, as illegal and unconstitutional.

2. The principal objection of petitioner against the proceedings impugned in the writ petition is that the petitioner to the show-cause notice, dated 27.06.2009, submitted explanation on the charges framed against the petitioner, but the 2nd respondent, without adverting to the charges or explanation, passed a laconic order challenged in the writ petition. In other words, the contention is that the order impugned in the writ petition is a non-speaking order and does not satisfy the requirements of principles of natural justice. On 25.09.2009, this Court suspended the proceedings, dated 22.09.2009. Respondent No.2 filed petition to vacate the interim order, dated 25.09.2009.

3. The counter-affidavit filed by respondent No.2 adverts to totality of circumstances and reasons for passing the orders impugned in the writ petition. In other words, the admitted omission i.e., non-considering explanation or giving reasons for removing the petitioner from service are sought to be made good in the counter-affidavit. The

counsel appearing for the parties submit that by reference to the stand taken in the counter-affidavit, this Court ought not to examine the totality of the circumstances like an appellate authority and pass orders, but requests the Court to remit the matter to the 2nd respondent for consideration afresh.

4. The statement is placed on record.

5. The writ petition is disposed of by this order.

Interim order granted on 25.09.2009 is directed to be continued for a period of three months. The matter is remitted to the 2nd respondent for disposal afresh. The said exercise shall be completed within three months from today.

6. Miscellaneous petitions, if any, pending, shall stand closed.

31st July 2017

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S. V. BHATT, J