

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.1106 of 2017

Date: 08.08.2017

Between :

The Secretary,
Telangana State Board of Intermediate Education,
Nampally, Hyderabad, rep. by Dr. A. Ashok.

... Appellant

And

B. Krishna and another.

... Respondents

COUNSEL FOR THE APPELLANT : Sri D.L. Pandu,
SC for State Board of
Intermediate Edn.,

COUNSEL FOR RESPONDENT No.1 : Sri K. Ram Reddy

COUNSEL FOR RESPONDENT No.2 : G.P. for School Edn.(TS)

THE COURT MADE THE FOLLOWING:

JUDGMENT : (per Hon'ble Sri Justice Gudiseva Shyam Prasad)

This Memorandum of Writ Appeal, under Clause XV of Letters Patent Appeal, is filed by the appellant – Secretary, Telangana State Board of Intermediate Education, Hyderabad (for brevity “the Intermediate Board”) against the order dated 14.06.2017 in W.P.No.12996 of 2017, whereby the learned single Judge has allowed the writ petition.

2. The appellant herein is respondent No.2, respondent No.1 herein is the writ petitioner and respondent No.2 herein is respondent No.1 in the writ petition. For the sake of convenience, the parties are referred to as per their array in the writ petition.

3. The writ petitioner is working as a daily wage labourer in Intermediate Board since December, 2000. However, the respondents have disengaged his services since February, 2017. Aggrieved thereby, the writ petitioner has filed W.P.No.12996 of 2017 seeking to declare the action of the 2nd respondent in disengaging his services, as illegal and arbitrary, as it adversely affected his livelihood and consequently sought for a direction to the 2nd respondent to continue to engage his services as a daily wage labourer.

4. The appellant, who was respondent No.2 in the writ petition, filed counter affidavit stating that the services of the writ petitioner were dis-engaged on the charge of insubordination committed by him in refusing to cooperate

for conducting the Press Meet on 25.02.2017 in connection with the Intermediate Public Examinations, 2017.

5. The learned single Judge, while placing reliance on a decision of this Court in ANDHRA PRADESH STATE FEDERATION OF CO-OPERATIVE SPINNING MILLS LIMITED Vs. P.V. SWAMINATHAN¹, wherein it was held that *'termination of services of a probationer or a daily wage employee, if it is founded on the ground of misconduct, a disciplinary enquiry is warranted'*, allowed the writ petition through the impugned order dated 14.06.2017 and directed the respondents therein to reinstate the writ petitioner into service and pay him wages for the intervening period from the date of his disengagement till the date of his fresh engagement, while granting liberty to the 2nd respondent therein to initiate disciplinary proceedings against the writ petitioner, if he so chooses.

6. Aggrieved by the said order, the 2nd respondent – Intermediate Board has filed the present Writ Appeal with the plea that the services of the writ petitioner were dis-engaged on account of the misconduct committed by him in refusing to cooperate for conducting of the Press Meet and abusing the Administrative Officers concerned in vulgar language and left the office in a fit of anger and frustration when he was entrusted with the work of making arrangements for Press Meet, which is a prestigious task for the Government.

¹ (2001) 10 SCC 83

7. The learned Standing Counsel for the appellant – Intermediate Board, while reiterating the said plea, argued that respondent No.1 disobeyed the orders of the superior officers when they intended to conduct a Press Meet in connection with the Intermediate Public Examinations and, therefore, the action of the appellant in dis-engaging the services of the petitioner is justified.

8. On the other hand, learned counsel for the 1st respondent contended that the services of his client as a daily wage worker were terminated without conducting any enquiry and without there being any proof of the alleged misconduct and that as such, the impugned order passed by the learned single judge by placing reliance on the aforesaid judgment is justified and the same does not require any interference.

9. Heard learned counsel for the respective parties and perused the impugned order and the material on record.

10. Admittedly, the 1st respondent was a daily wage worker in the office of the appellant – Intermediate Board. *Exfacie*, it is obvious that the disciplinary authority has not conducted any enquiry before dis-engaging the services of the 1st respondent – writ petitioner. However serious the misconduct may be, departmental enquiry is required to be conducted even in the case of a contingent employee, if the termination/dis-engagement casts a stigma on him.

11. It is clearly stated in P.V. SWAMINATHAN's case (supra) that the termination of services of a probationer or a daily wage employee, if founded on the ground of misconduct, holding of a disciplinary enquiry is necessary. Therefore, the action of the appellant – Intermediate Board in dis-engaging the services of the 1st respondent – writ petitioner without conducting any enquiry into the alleged mis-conduct is arbitrary and violative of Article 14 of the Constitution of India, apart from being in violation of principles of natural justice.

12. Therefore, we are of the considered view that the learned single judge has rightly allowed the writ petition, giving liberty to the appellant – Intermediate Board to initiate disciplinary proceedings against the 1st respondent – writ petitioner, if they so choose.

13. In the light of the above, the Writ Appeal is devoid of merits and the same is accordingly dismissed. No order as to costs.

14. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

08.08.2017.
Msr

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