

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.31412 OF 2017

ORDER

Alleging that the 4th respondent – Project Director by proceedings dated 26.07.2017 terminated the services of the petitioner, who has been working under the Mahatma Gandhi National Rural Employment Guarantee Scheme, without issuing any notice and seeking for his explanation, the present writ petition has been filed.

Sri M.S.R.Chandra Murthy, learned Standing counsel for the 4th respondent, on instructions, submit that notice has been served on the petitioner by way of E-mail and hence it cannot be said that termination was without any notice.

The learned counsel for the petitioner disputing the above submission, submits that the notice by way of E-mail was only with regard to personal hearing and no notice with specific allegations and supporting documents have been served on the petitioner and no opportunity was given to file his explanation and this amounts to violation of principles of natural justice.

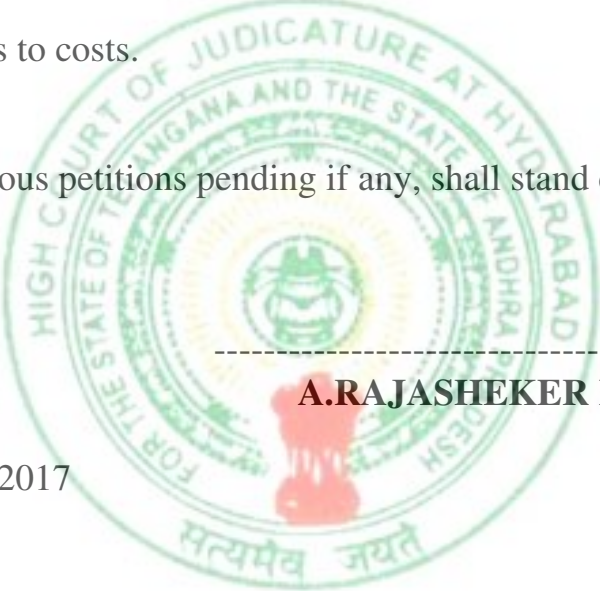
In view of above rival contentions, the issue whether the petitioner has been served with notice, giving him opportunity to file explanation, is a question of fact, which requires to be considered based on record. Be that as may. When the petitioner received notice for personal hearing, he could have availed the opportunity and raised objections in this regard. Apart from that, against the impugned order, appeal is provided to the Chief Executive

Officer, (CEO), Member Secretary, Panchayat Raj and Rural Development,
Vijayawada.

Having regard to the facts and circumstances, without expressing any opinion on merits, the writ petition is disposed of, giving liberty to the petitioner to file appeal against the impugned order within a period of two weeks from the date of receipt of a copy of this order, raising all the objections available under law, including the one raised in this writ petition. On filing of appeal, the competent authority, shall dispose of the same in accordance with law, within a period of eight weeks thereof.

No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.



A.RAJASHEKER REDDY,J

DATE:18—09—2017
AVS