

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4214 of 2017

Date: 08.02.2017

Between:

P.Gangadhara S/o P.Rajarathanam,
Aged 40 years, R/o D.No.1-50, N.Palagiri (V&P),
V.N.Palli, YSR Kadapa District.

.....Petitioner

and

The Andhra Pradesh Power Generation Corporation
Limited, rep.by its Chairman & Managing Director,
Vidyut Soudha, Hyderabad and two others.

.....Respondents



The Court made the following:

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ORDER:

The petitioner challenged the orders dated 07.01.2017, where under his services were removed.

2. The impugned orders were based on directions issued by this Court in Writ Petition No.21160 of 2013 and Batch. The procedure followed in conducting selections to the category of disabled persons was under challenge in the said batch of writ petitions. Petitioner is orthopedically handicapped. The persons, who challenged the selection, were visually and hearing impaired persons. This Court passed final orders on 11.08.2016, allowing the writ petition setting aside the final selections made and directed the respondents therein to re-draw the list as per 1% reservation provided to each category of the Handicap and issue orders of appointment to the eligible candidates after due verification of their eligibility and after issuing due notices to the already appointed candidates.

3. Primarily, it is contended by learned counsel for the petitioner that even assuming that directions issued by this Court are binding on the petitioner, petitioner is entitled to know the manner in which the exercise is undertaken and the merit list re-drawn is in terms of the direction issued by this Court. Further, whether petitioners can be accommodated and exclusion is not valid are the matters, which can be agitated by the petitioner. Therefore, notice ought to have been issued before removing him from service. It is further contended by the learned counsel for the petitioner that this Court also directed issuing of notices before taking action, whereas while in paragraph No.7 of the order impugned refers to issuance of

notices, but in paragraph No.8 straight away order of removal from services is made.

4. Learned Standing Counsel does not dispute the fact that no prior notices were issued before passing the order impugned.

5. *Prima facie*, as seen from the order, though paragraph No.7 of the order indicates to issue notices, but in paragraph No.8 straight away order is passed removing petitioner. This Court while allowing the writ petition, directed putting the affected parties on notice. There is merit in the contention of the learned counsel for the petitioner that petitioner is entitled to raise objection in the manner of preparation of merit list, even though they are bound by the decision of this Court as long as the said decision is not reversed.

6. Having regard to the above opinion, the Writ Petition is disposed of directing the respondents to treat the proceedings dated 07.01.2017 as show cause notice. Petitioner shall submit his explanation within ten (10) days from today. If such explanation is submitted, the same shall be considered duly taking note of directions issued by this Court in W.P.No.21160 of 2013 and Batch and by assigning due reasons pass appropriate orders as warranted by law. Till the orders are passed, petitioner shall not be dispensed with from his service.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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