

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38288 OF 2016

Dated:16.02.2017

Between:

R. Venkataramana Naik, S/o. Rathlavath
Balu Naik, Aged about 25 years,
R/o.H.No.11-16, Sanjeeva Nagar Thaanda,
Atmakur, Kurmool District .. Petitioner

And

The Cotton Corporation of India Limited,
Rep., by its Chief General Manager (Comm.HRD),
Kapass Bhavan, Plot No.3/A, Sector 10,
CBD Belapur, Navi Mumbai and another .. Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed for the following relief:

“... to issue a Writ, Order or Direction more particularly one in the nature of Writ of mandamus declaring the Order of the 1st respondent in No.CCI/HO/HRD/2016 dated 16.08.2016, as arbitrary, illegal, without jurisdiction and contrary to principles of natural justice and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is taken up for consideration, learned counsel for the petitioner submits that the subject matter of the Writ Petition is covered by the decision of this Court in W.P.No.7794 of 2016 and batch, dated 04.01.2017. However, Sri A.K. Jayaprakash Rao, learned counsel for the respondents, submits that Writ Appeals are preferred against the said order.

3. It is not in dispute that there is no stay of the judgment passed by this Court in W.P.No.7794 of 2016 and batch and the subject matter of the Writ Petition is covered by the said decision. In the said judgment, this Court at paragraph Nos.21 and 22 held as under:

“21. A reading of the impugned order passed against the petitioners clearly indicates that a finding is recorded that he submitted a false experience certificate for securing employment in the Corporation. Thus, it will have an effect on the petitioners' future prospects of employment and makes them suffer a substantial loss of reputation by casting a stigma. Thus, it is the *foundation* for terminating their services. There is a live nexus between the alleged misconduct and the termination of service. So the Corporation cannot take the stand that it is a termination *simpliciter*. Therefore, without conducting a departmental

enquiry into the allegations levelled against the petitioners, it is not open for the Corporation to terminate their services by passing the impugned orders.

22. Accordingly, the Writ Petitions are allowed and the impugned orders terminating the services of the petitioners are all set aside. The Corporation shall reinstate the petitioners into service and pay salary and other benefits since the date of termination till the date of reinstatement. However, this will not preclude the Corporation from initiating a departmental enquiry against the petitioners after framing appropriate charges and then taking appropriate action in case, the petitioners are found guilty therein. This Court has not expressed any opinion on the innocence or guilt of the respective petitioners in regard to the charges levelled against them. Consequently the WVMPs are all dismissed. No costs.”

4. Following the said judgment in W.P.No.7794 of 2016 and batch, dated 04.01.2017, this Writ Petition is also allowed and the order of termination of the services of the petitioner is set aside. The Corporation is directed to reinstate the petitioner into service and to pay salary and other benefits since the date of termination till the date of reinstatement. However, this will not preclude the Corporation from initiating a departmental enquiry against the petitioner after framing appropriate charge and then taking appropriate action in case, the petitioner is found guilty therein. This Court has not expressed any opinion on the innocence or guilt of the petitioner in regard to the charge levelled against him. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:16.02.2017

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