

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 39457 of 2017

Order:

The petitioners 1, 2 and 4 were appointed as Field Assistants under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) by proceedings dated 25.06.2007. The third petitioner was appointed on 30.05.2007 and the fifth petitioner was appointed in the year 2007. While so, the fourth respondent issued a show cause notice on 17.08.2017 alleging certain irregularities and asking them to show cause as to why their services should not be terminated. They submitted their explanation, however without considering the explanation when final orders were passed on 28.10.2017 terminating their services, the present Writ Petition is filed.

Since there was no reference to the explanation in the impugned orders, this Court adjourned the matter in order to verify whether the explanation was in fact filed or not. Learned Standing Counsel for the respondents fairly submitted that the explanation was already filed.

Since the impugned orders were passed without considering the explanation, this Court is constrained to set aside the impugned order dated 28.10.2017 and remand the matter to the fourth respondent for consideration of the explanation of the petitioners pursuant to the show cause notice already issued and pass appropriate orders by taking into account the contents of the explanation.

The Writ Petition is, accordingly, allowed at the admission stage. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 29.11.2017
Nsr

