

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.Nos.2435 of 2016 & 5726 of 2018

COMMON ORDER:

The petitioner in both these writ petitions is one and the same. According to the pleadings, petitioner was appointed for supply of Mid-day-Meal to the A.P. Model School, Chinna Musturu village, Uravakonda mandal, Ananthapur district in the year 2013. Earlier by way of order vide proceedings Rc.No.13/2016/B dated 13.1.2016, the Tahsildar and Chairman of Mid-day-Meal programme, Uravakonda removed the petitioner herein. Assailing the said order, petitioner filed W.P.No.2435 of 2016. In the said writ petition, this Court passed the following interim order on 28.1.2016 in W.P.M.P.No.3062 of 2016 in W.P.No.2435 of 2016.

“As the impugned proceedings dated 13.1.2016 reflect that the petitioner was not even put on notice before removing her and the same is in violation of the relevant G.O. and the law laid down by this Court, there shall be interim suspension as prayed for. The authorities shall however ensure that the petitioner serves proper food to the students and in the event of any shortfall in this regard, they are at liberty to take action afresh in accordance with law”.

2. Subsequently, the Tahsildar, Uravakonda issued show cause notice vide proceedings Rc.No.115/2016(B) dated 14.7.2016, calling upon the petitioner to file explanation. In response to the said show cause notice, on 21.7.2016, petitioner herein submitted explanation. Later, the Tahsildar, Uravakonda vide proceedings Rc.No.115/2016(B) dated 2.9.2016, ordered termination of the petitioner herein, while appointing S.Sunkamma-6th respondent in the place of the petitioner herein. The said order of termination dated 2.9.2016 is under challenge in W.P.No.5726 of 2018.

3. Heard the learned counsel for the petitioner, learned Government Pleader appearing for Respondents 1 to 5 and Sri Maheshwara Rao Kunchem for 6th Respondent and perused the material available on record.

4. According to the learned counsel for the petitioner, the impugned action of terminating the petitioner herein is highly illegal, arbitrary and unreasonable and violative of Articles 14 and 21 of the Constitution of India. It is further submitted that the impugned action is also contrary to the orders passed by this Court in W.P.No.22120 of 2014 and batch dated 5.9.2014. It is further submitted by the learned counsel that the impugned action is also in violation of principles of natural justice as the Tahsildar passed the orders without conducting any enquiry as directed in the above said orders.

5. On the contrary, it is submitted by the learned Government Pleader and the learned counsel, representing 6th respondent that there is neither illegality nor there is any procedural infirmity in the impugned action and the orders passed by the Respondents which are impugned in the present writ petition are strictly in accordance with the observations made by this Court in W.P.No.22120 of 2014 and batch. It is the further submission of the learned counsel, appearing for 6th Respondent that since September, 2016, 6th respondent has been working. It is also submitted by the learned Government Pleader that though the impugned order of termination was passed as long back as on 2.9.2016, the present writ petition came to be filed only on 20.2.2018 and on the ground of delay, the request of the petitioner herein is also liable to be rejected.

6. The information available before this Court reveals that pursuant to the interim order of this Court in W.P.M.P.No.3062 of 2016 in W.P.No.2435 of 2016 dated 28.1.2016, the Tahsildar, Uravakonda issued show cause

notice dated 14.7.2016, calling upon the petitioner herein to file explanation. In response to the same, petitioner submitted explanation on 21.7.2016. Eventually, the Tahsildar, Uravakonda passed the impugned order dated 2.9.2016 after receipt of the said explanation. Even as per the orders of this Court in W.P.No.22120 of 2014 and batch, this Court directed summary enquiry. In the considered opinion of this Court, the manner adopted by the Respondents for holding enquiry by issuing show cause notice and passing order after considering the explanation submitted by the petitioner can be said to be in accordance with the said orders. It is also an admitted fact that the 6th respondent has been working since 2.9.2016. In fact, the entire affidavit filed in support of W.P.No.5726 of 2018 does not disclose any explanation about the aspect of delay in approaching this Court. Therefore, this Court is not inclined to grant any relief to the petitioner herein.

7. For the aforesaid reasons, both the writ petitions are dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 7.3.2018
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