

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.2377 OF 2018

ORDER :

Heard counsel for petitioner, the Government Pleader for Panchayat Raj appearing for respondents 1 to 3 & 5, and Sri M.S.R.Chandra Murthy, Standing counsel for 4th respondent.

2. In this Writ Petition, petitioner has assailed the order dt.22.11.2017 of the 4th respondent terminating his services as Technical Assistant, MGNREGS.

3. It is not in dispute that a show cause notice dt.15.07.2017 was issued to the petitioner by the 4th respondent leveling certain charges giving a mere three days to reply to the said notice.

4. On the pretext that the petitioner did not give his explanation within the said period of three days, the impugned order has been passed on 22.11.2017 terminating the services of the petitioner as Technical Assistant.

5. It is not in dispute that the impugned charge memo does not give clear particulars of the charges to which the petitioner is supposed to reply. In any event, the petitioner had given a response thereto on 31.07.2017 denying the charges.

6. Though the impugned order is passed on 22.11.2017, four months after the show cause notice was issued and 3½ months

after the petitioner's explanation was received, it is unfortunate that there is no reference to the petitioner's explanation.

7. The Standing counsel for 4th respondent does not dispute the fact that grant of a mere three days time to give explanation to the show cause notice does not amount to grant of a reasonable opportunity, which the petitioner was entitled, as part of principles of natural justice to defend himself against the charges leveled against him.

8. The termination of services of petitioner without giving reasonable opportunity to a party to defend himself against the charges leveled against him is clearly arbitrary and violative of Article 14 of the Constitution of India.

9. Therefore, this Writ Petition is allowed; the impugned order is set aside; the 4th respondent is directed to issue a show cause notice giving proper particulars of the charges leveled against the petitioner; the petitioner shall then submit an explanation there to, within three (03) weeks on receipt of the said charges from the 4th respondent, along with whatever evidence he wishes to adduce in support of his case; and then the 4th respondent shall pass a reasoned order after considering petitioner's explanation to the charges and communicate the same to the petitioner. It is made clear that if the petitioner does not submit his explanation to the charge memo, within the time aforesaid, the impugned order of termination shall stand. No costs.

10. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

30th January, 2018.

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