

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5949 OF 2017

DATED :14.03.2018

Between :

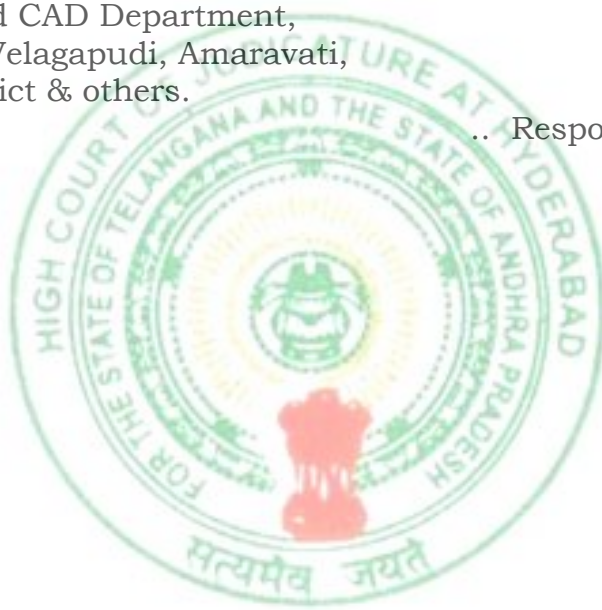
Molaka Sathish S/o.Molaka Shankaraiah,
Aged 34 yrs, R/o.H.No.3-56/1,
Rudravaram Village, Juturu Post,
Pamulapadu Mandal, Kurnool District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Secretary,
Irrigation and CAD Department,
Secretariat, Velagapudi, Amaravati,
Guntur District & others.

.. Respondents



This court made the following :

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ORDER :

Petitioner is a member of the family displaced under Srisailem Irrigation Project. As per the scheme formulated in G.O.Ms.No.98 dated 15.04.1986 employment is also assured to the displaced person or dependant family member. It took so long time that when father was offered employment, he was on the verge of age of superannuation. Therefore, he requested to provide employment to his son instead of himself. It appears accepting the said request petitioner was appointed as Lascar on outsourcing basis by order dated 22.11.2016. He joined service and worked for more than two months. At that stage, the order dated 04.02.2017 was issued terminating the services of the petitioner. Challenging the same this writ petition is filed.

2. This Court having noticed that the order of termination was not preceded by notice and opportunity suspended the same. Alleging that the said order is not complied, and petitioner is not allowed to discharge his duties, C.C.No.1358 of 2017 is filed. At that stage, 3rd respondent filed vacate petition and request is made to consider vacate petition.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader.

4. In terms of the appointment order issued on 22.11.2016 petitioner joined service and was working. The order impugned is passed terminating his service. A bare look at the order would show that there is no reference to show cause notice issued calling

upon the petitioner to explain and no reasons are assigned as to why his services are terminated. The order is therefore liable to be set aside on that ground alone.

5. Based on the averments made in the counter affidavit, learned Assistant Government Pleader would submit that as per the scheme formulated in G.O.Ms.No.98 only the land looser or his son or daughter alone are entitled for employment and grand son is not entitled and having found that petitioner being grand son is not entitled to such employment, his services were terminated. Learned Assistant Government Pleader would also submit that prior to the order impugned a notice was issued and therefore, it cannot be said that there was no opportunity afforded.

6. In reply learned counsel for petitioner would submit that several other grand children were appointed and have been working, whereas petitioner is only singled out. Though it is contended that notice was issued, the order impugned does not refer to issuance of notice, calling for objections and then taking a decision with or without explanation. As the order impugned is liable to be set aside on the sole ground that it is bereft of reasons and was not preceded by opportunity of hearing court is not expressing any opinion on the contention of learned counsel for petitioner.

7. Thus, the order is set aside leaving it open to the respondents to take appropriate course of action, if so warranted, by following due procedure and after affording due opportunity to the petitioner. It is always open to the petitioner to raise all the pleas, as available in law, as and when the notice is issued. Till

appropriate decision is made petitioner shall be continued in service.

8. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

14th March, 2018
Rds

P.NAVEEN RAO,J

