

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.35866 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in terminating the services of the petitioners without issuing any show cause notice in the enquiry or in suo motu appeal entertained by the District Collector, as illegal and arbitrary.
2. Heard Sri M.P.V.N.V. Sastry, learned Counsel for the petitioners and Sri M.S.R. Chandra Murthy, learned Standing Counsel for respondents Nos.2 and 3.
3. It has been submitted by the learned Counsel for the petitioners that the petitioners were appointed as field assistants on contract basis and while they were working as field assistants, the 3rd respondent issued a show cause notice on 9.7.2014 and subsequently, after hearing the petitioners personally, on 25.7.2014, the 3rd respondent imposed punishment of recovery of amount misappropriated while imposing penalty of Rs.1,000/-, and thereafter, the District Collector has entertained suo motu appeal and imposed major penalty of termination of the petitioners from service, without giving any notice and opportunity of personal hearing, and in pursuance of the orders of the District Collector, the order dated 30.12.2014 was issued to the petitioners removing them from service, and aggrieved by the same, the present writ petition has been filed.

4. The learned Standing Counsel for respondents Nos.2 and 3 submits that since the appeal was entertained by the District Collector without issuing any notice to the petitioners, the order of termination can be set aside and the matter may be remanded to the District Collector for fresh consideration.

5. In view of the above submission of the learned Standing Counsel appearing for respondents 2 and 3, and the submissions made by the learned Counsel for the petitioners, this Court is of the considered view that ends of justice would be met if the matter is remanded to the District Collector concerned for fresh consideration.

6. Accordingly, the order of termination dated 30.12.2014 is set aside and the matter is remanded to the District Collector concerned for fresh consideration and for passing appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioners.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

24th April, 2018
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