

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.7723 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri M.S.R.Chandra Murthy, learned counsel for respondent Nos.2 and 4.

2. With the consent of both sides, the Writ Petition is being disposed of at the stage of admission.

3. This Writ Petition has been filed by the petitioner assailing the order dt.10-11-2017 of 2nd respondent confirming the order dt.07-11-2015 passed by 4th respondent disengaging the services of the petitioner as Field Assistant.

4. It is not in dispute that the petitioner was issued a show cause notice on 25-11-2014 levelling certain charges for which the petitioner submitted an explanation on 03-12-2014. Thereafter, the 4th respondent passed an order on 07-11-2015 simply recording the charges and the explanation, and without giving any reasons why the explanation given by the petitioner is not worthy of acceptance. Thus except lip service being paid to natural justice, there is no real compliance with the principles of natural justice and there is also no application of mind by 4th respondent at all to petitioner's explanation while passing the said order.

5. When the petitioner filed an appeal before the 2nd respondent raising as many as six grounds of appeal, without

adverting to even a single one of them, 2nd respondent passed impugned order on 10-11-2017.

6. To say that the least, the exercise of power by both the respondent Nos.2 and 4 is patently arbitrary and it is clear that they do not understand how to pass *quasi judicial* orders which contain reasons after applying the mind to the explanation offered by the petitioner.

7. When serious civil consequences such as loss of employment are being inflicted on the petitioner, it is incumbent on the part of the respondent Nos.2 and 4 to apply their mind to the explanation offered by the petitioner to the charges leveled against him and then consider the same. But they have failed in doing so.

8. Therefore, the Writ Petition is disposed of, the impugned orders are both set aside the matter is remanded to 4th respondent to consider afresh the explanation of the petitioner and pass a reasoned order and communicate the same to the petitioner. This exercise shall be completed within two months from the date of receipt of a copy of this order. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-03-2018

Note:-

Issue C.C in a week.

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