

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

W.P.No.8955 OF 2018

ORDER:

Heard Sri C.Ramachandra Raju, learned counsel for the petitioner and Sri A.Ravi Babu, the learned counsel for the respondents-Corporation.

The Office of the Regional Manager, Nalgonda Region issued a notice bearing No. 02/122(88)/2016-RM-N, dated 12-12-2017 asking the petitioner to show cause as to why action should not be taken. In response to the said show cause notice, the petitioner herein submitted an explanation on 25-12-2017. Thereafter, the Divisional Manager, Suryapet-3rd respondent herein issued a termination order vide proceedings dated 14-03-2018. This writ petition challenges the validity and legal sustainability of the said order of termination passed by the 3rd respondent herein.

According to the learned counsel for the petitioner, the order impugned is highly illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. It is further submitted that the petitioner herein submitted an elaborate explanation and the 3rd respondent passed the impugned order without considering the contents of the same. In elaboration, it is further submitted by the learned counsel for the petitioner that though the petitioner specifically brought to the notice of the 3rd respondent with regard to the earlier show cause notice wherein the allegations contained in the present show cause notice were not mentioned. It is further submitted that the respondents-authorities did not take such aspect into consideration.

On the other hand, it is submitted by the learned Standing Counsel for the respondents that there is absolutely no illegality nor exists any infirmity in the impugned action, as such, the order is not amenable for any judicial review under Article 226 of the Constitution of India.

There is absolutely no dispute with regard to reality that in response to the show cause notice, dated 12-12-2017, the petitioner submitted an explanation on 25-12-2017 narrating various aspects, including the issuance of earlier show cause and the contents of the same. A perusal of the impugned termination order reveals that except referring to the explanation offered by the petitioner herein, the 3rd respondent herein did not make any endeavor to consider the contents of the explanation offered by the petitioner herein. This, in the considered opinion of this Court, is highly illegal, arbitrary and cannot be sustained in the eye of law. Having issued the show cause notice and having acknowledged the explanation, it is obligatory on the part of the respondents-authorities to consider the contents of the explanation while passing the impugned order.

For the aforesaid reasons, the writ petition is allowed, setting aside the impugned order of termination issued by the 3rd respondent vide proceedings dt. 14-03-2018 and proceedings dt. 05-03-2018 and the matter is remitted to the respondents for fresh consideration of the issue after duly considering the explanation offered by the petitioner herein and the contents of the same including the objections raised as to the issuance of second show cause notice. It is also made clear that the respondents shall communicate the order to the petitioner herein and if any order is passed against the petitioner herein, a week time shall be granted to the petitioner. No costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

Date: 28.03.2018

Note:

Issue CC in four(4)

days.

(B/O)

TSNR

