

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 10729 OF 2018

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the impugned Vigilance Report of the 2nd respondent dated 31.05.2017 as illegal and arbitrary as it was the instrument to improper exercise of power by the 1st respondent for terminating the petitioner services vide proceedings No.810/98/2017, dated 30.08.2017.

Heard learned counsel for the petitioner, who submits that though show-cause notice was issued to the petitioner and was served on 30.08.2017, sufficient time was not granted to submit explanation, as such, the impugned proceedings dated 30.08.2017 is in violation of principles of natural justice.

On the other hand, Sri G.Bhaskar, learned Standing Counsel appearing for respondents 1 and 5 submits that the petitioner was issued show-cause notice and that when he failed to file explanation, impugned order is passed. He would submit that the petitioner is only appointed on contract basis and his contract period ended by 25.02.2018, as such, he cannot be continued.

In this case, it is to be seen that the contract period of the petitioner expired by 25.02.2018 and same is not in dispute. The allegations in the show-cause notice dated 24.08.2017 appears to be very vague and it is issued basing on the vigilance

report of the 2nd respondent dated 31.05.2017 which is also impugned in the writ petition and that the impugned proceedings of termination is also basing on the vigilance report. Had it been the simplicitor dis-engaging the petitioner on the ground of completion of contract period, this Court would not have interfered, but since impugned proceedings of termination are based on the vigilance report, though show-cause notice was issued to the petitioner, he ought to have given sufficient time for offering his explanation. Admittedly, show-cause notice was issued on 24.08.2017 and the impugned order of termination is passed on 30.08.2017, which shows that the petitioner was not even given breathing time to submit his explanation. Moreover, it is the case of the petitioner that he received show-cause notice dated 24.08.2017 on the date in which impugned order is passed. Though learned Standing Counsel sought time, this Court feels that granting of two days time for filing explanation to the show-cause notice is not adequate opportunity for the petitioner to defend himself.

In view of above facts and circumstances, the impugned order of termination dated 30.08.2017 of the 1st respondent is set aside only on the ground violation of principles of natural justice. Since it is stated that the petitioner also filed representation on 18.12.2017, the competent authority is directed to consider the same and pass appropriate orders.

Accordingly, the Writ Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAJASHEKER REDDY,J

12-04-2018
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