

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.14243 OF 2018

O R D E R

This writ petition is filed challenging the proceedings issued by the 3rd respondent in Rc.No.A3/KGBV/2017 dated 20.02.2018 in terminating the services of the petitioner, who was working as Special Officer in Kasturba Gandhi Balika Vidyalaya Society, Devarakonda on contract basis.

Learned counsel appearing for the petitioner submits that petitioner was issued with show cause notice dated 24.10.2017, leveling certain allegations and she submitted explanation. Again she was issued with final show cause notice dated 17.11.2017 and she submitted explanation. Without considering the said explanations and without conducting any inquiry, 3rd respondent passed the impugned order of termination, casting stigma. Learned counsel relying on the judgment of a Division Bench of this court in W.P.No.21094 of 2014 dated 02.06.2017, submits that even in case of contractual employment, termination of service based on reports, which are behind the back of the petitioner, without conducting departmental inquiry, is illegal and unsustainable. Therefore, he sought to set aside the impugned proceedings.

On the other hand, Sri G.Bhasker, learned counsel appearing for the 1st respondent submits that there are serious allegations against the petitioner and the staff working under the petitioner reported the same and in the counter affidavit filed in the connected writ petition in W.P.No.11342 of 2018, details of the serious allegations against the petitioner are mentioned and the same may be taken into consideration.

As there are serious allegations against the petitioner, considering the statements of the staff working under the petitioner and the reports, petitioner was terminated. Alternatively, he submits that as the period of contract already expired, no interference in the impugned proceedings, is warranted. With these submissions, he sought to dismiss the writ petition.

In the present case, petitioner was terminated from service, based on certain allegations without conducting any inquiry. This amounts to casting stigma on her services without affording any opportunity to defend her case. Hence the termination of the petitioner is in violation of principles of natural justice.

The Division Bench of this court in W.P.No.21094 of 2014 dated 02.06.2017, considering the termination of a contractual employee who was initially appointed as Anganwadi worker and later joined as Supervisor Grade – II on contract basis, based on reports without conducting any inquiry, held that reasons for terminating the services of the petitioner therein simply based on reports of the respondents behind back of the petitioner, without a regular departmental enquiry, are illegal and unsustainable. The relevant portion of the order is as under:

“In view of the facts discussed hereinabove, we are of the firm view that there is no dispute that the petitioner was appointed as Anganwadi Worker and subsequently Supervisor Grade-II on contract basis initially for a period of one year w.e.f. 01-04-2012 to 31-03-2013. The condition No.10 of the said contract postulates that the services of the petitioner can be terminated on giving one month notice or pay in lieu thereof and she shall be subject to disciplinary control. No such one month notice or payment of one month salary in lieu of such notice was paid to the petitioner. The petitioner is covered by Rule 9 of State and Subordinate Service Rules, which the Tribunal relied upon, but the Tribunal having found that the petitioner cannot be regarded as a regular member of service, as she was appointed under the provisions contained in Rule 9(b), ignored the basic principle that the services of the petitioner were terminated without conducting any regular enquiry and ordered for recovery of the amount under Revenue Recovery Act from her on the ground of fraud, misappropriation, which cast stigma on the petitioner, which affect her future prospects of employment and she shall suffer a substantial loss of reputation and it may affect her future

prospects on account of such an order. The reasons stated by the respondents for terminating her services simply based on the reports of the respondents behind back of the petitioner, without a regular departmental enquiry are illegal and unsustainable.”

In view of the facts and circumstances of the case and the judgment of the Division Bench of this court in W.P.No.21094 of 2014, dated 02.06.2014, as the petitioner herein has been terminated under impugned proceedings dated 20.02.2018, based on certain allegations, without conducting any inquiry, it amounts to violation of principles of natural justice and hence the same is accordingly set aside.

It is made clear that this order will not preclude the competent authority from taking appropriate action in accordance with law.

Writ petition is accordingly allowed to the extent indicated above.

Learned counsel for the petitioner submitted that since the petitioner was terminated in violation of principles of natural justice during the subsistence of contract period, respondents may be directed to reinstate the petitioner into service. The contract period admittedly expired on 14.04.2018. Therefore, unless the contract period is extended, petitioner cannot be reinstated and no such direction can be issued.

A.RAJASHEKER REDDY,J

DATE:24—04—2018

AVS