

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44934 of 2016

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the petitioner requests to grant a writ of mandamus setting aside the proceedings No.E2/3438/DVC/2015-42, dated 07.09.2015, on the file of the 4th respondent, as confirmed in proceedings No.138/SRDS/24/SPM(V&A)/2016, dated 14.03.2016, of the 3rd respondent, by declaring the same as unjust, unfair, unreasonable, contrary to the procedure laid down in Rule 6 of Disciplinary Rules for FTEs of SRDS, 2012, and violative of principles of natural justice and provision of the Article 14 of the Constitution of India and consequently direct the respondents to reinstate the petitioner into service with all attendant benefits.

2. I have heard the submissions of Sri *M.Venkat Ram Reddy*, learned counsel appearing for the petitioner, of the learned Government Pleader for Panchayat Raj & Rural Development (Telangana), appearing for the 1st respondent; and of Smt *R.Padma Rekha*, learned Standing Counsel appearing for the respondents 2 to 5. I have perused the material record.

3. At the hearing, learned counsel for the petitioner and the learned Standing Counsel for the respondents 2 to 5 are in agreement that the issue involved in this writ petition is squarely covered by the orders, dated 06.04.2018, of a Division Bench of this Court in Writ Appeal No.570 of 2018. A copy of the said order is placed on record.

4. Having regard to the facts and submissions, this Writ Petition is allowed in terms of the afore-stated order of the Division Bench and accordingly, the proceedings No.E2/3438/DVC/2015-42, dated 07.09.2015, of the 4th respondent, as well as the proceedings No.138/SRDS/24/SPM (V&A)/2016, dated 14.03.2016, of the 3rd respondent, are set aside and the matter is remitted to the 4th respondent to conduct a fresh enquiry into the matter after supplying to the petitioner the necessary material, on which the 4th respondent intends to rely; and, giving the petitioner an opportunity to rebut the same and then complete the enquiry into the charges levelled against the petitioner and pass a reasoned order, in accordance with law. However, the afore-stated exercise shall be completed as per the afore-stated directions within two (02) months from the date of receipt of a copy of this order. The outcome of the enquiry would decide as to whether the petitioner would be entitled to renewal of her contract or payment of salary or otherwise. It is made clear that in the event the enquiry is not completed within the time frame stipulated above, the 4th respondent shall forthwith reinstate the writ petitioner into service by renewing her contract.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 12th July, 2018

Note: (1) Issue C.C. on 16.07.2018.

(2) Registry is directed to enclose a copy of the order of the Division Bench referred to supra to this order.

(B/o.)

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