

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 17053 of 2018

Date :12.6.2018

Between:

Jala Siva S/o Jala Bandenna
27 yrs Field Assistant
MGNREGS Palugurallapalle
Jukupalli village, B Mattam mandal
YSR Kadapa district 516503

Petitioner

And

The State of AP
Rep by its Principal Secretary
PR & Rural Devp
Secretariat, Amaravathi, Guntur and others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Special Standing Counsel for respondents.

2. By order dated 17.3.2018 petitioner was terminated as Field Assistant.

3. Several contentions are urged against termination. Learned counsel for petitioner also took through the proceedings on disciplinary action and termination. However, this Court is not going into all the contentions urged. Suffice to note the contention of the learned counsel for petitioner that even though notice was drawn on 10.1.2018 calling upon the petitioner to appear for enquiry on 22.1.2018, as can be seen from the order impugned, there is no reference to notice issued on 10.1.2018 and whether petitioner appeared on the date fixed. There is a reference to the alleged appearance of petitioner on 9.1.2018 which according to counsel for petitioner is not as a consequence to the notice issued to petitioner.

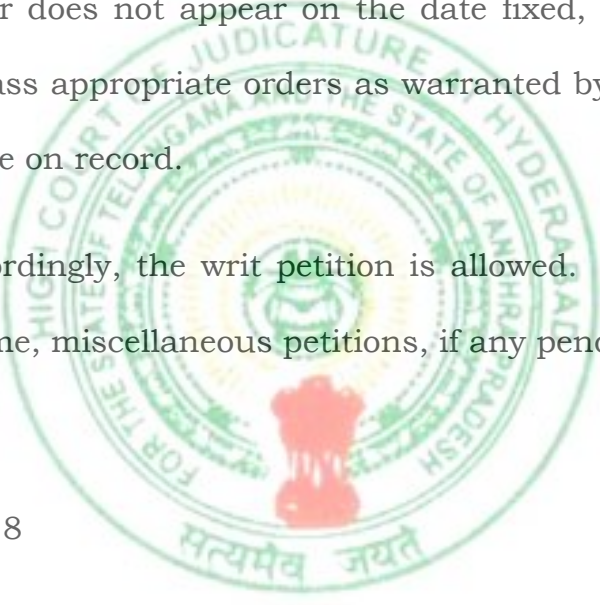
4. In the report submitted by the Director in pursuance to the adjournment granted by this Court on 4.6.2018, detailed history of the case leading to the order passed is reflected but even this report is silent as to why there is no reflection of notice issued on 10.1.2018. Even in this report, there is vague reference to petitioner appearing before him on 23.1.2018 and he refers to submission of explanation while attending to personal hearing. If that is so, whatever explanation given by the petitioner on 23.1.2018 ought to have been referred to in the order impugned. Thus, impugned order is not sustainable on this ground.

5. At this stage, both counsel, agreed for setting aside the order impugned for the reasons noted above and remanding the matter for fresh consideration from the stage of 10.1.2018 notice.

6. Petitioner is directed to appear before the Project Director/third respondent on 28.6.2018 at 11.00 AM. It is open to petitioner to file written explanation and also to enclose material in support of his claim. If petitioner appears on the said date and submits written explanation along with supportive documents, third respondent shall consider the same and on due consideration of the explanation offered, if any, shall pass speaking order. If no explanation is filed and/or petitioner does not appear on the date fixed, it is open to third respondent to pass appropriate orders as warranted by law based on the material available on record.

7. Accordingly, the writ petition is allowed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:12-06-2018
TVK

P NAVEEN RAO,J

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