

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16645 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 1st respondent in terminating the services of the petitioner vide proceedings dated 17.8.2002, as arbitrary, illegal, discriminatory, without power or authority and also violative of the principles of natural justice, and consequently, to set aside the proceedings dated 17.8.2002 issued by the 1st respondent.

2. Heard Sri M. Vidyasagar, learned Counsel for the petitioner and the learned Government Pleader for Endowments.

3. It is the case of the petitioner that he was appointed as part-time clerk vide proceedings dated 28.4.1990 by the Executive Officer of Sree Mahankali Ammavari temple-3rd respondent herein and he was being paid the scale of pay attached to the post of Junior Assistant and while he has been discharging his duties as such, the 1st respondent issued the proceedings impugned terminating the services of the petitioner without giving any opportunity to him and without conducting any enquiry. Aggrieved by the same, the present writ petition is filed.

4. Learned Counsel for the petitioner submitted that on 2.9.2002, while admitting the writ petition, this Court issued interim direction to continue the petitioner in service by suspending the termination order, and by virtue of the said interlocutory order, the petitioner is continuing his services.

5. This Court having considered the submissions made by the parties is of the view that the impugned termination order was passed without giving any notice to the petitioner. Therefore, the impugned termination order is liable to be set aside.

6. Accordingly, the impugned termination order is set aside with all consequential benefits. If the petitioner is being continued in service by virtue of the interlocutory order passed by this Court, he shall not be disturbed.

7. With the above direction, the Writ Petition is allowed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 24th October, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16645 OF 2002



24/10/2018

Nn.