

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.41163 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of respondent No.4 in issuing the impugned termination proceedings, vide R.C.No.Staff-Dept/Manager/2015-16, dated 23.11.2015, as illegal, arbitrary and violative of principles of natural justice.

Heard Sri Bomminayuni Apparao, learned counsel for the petitioner, learned Government Pleader for Cooperation, appearing for respondents Nos.1 to 3 and Sri S.Dushyanth Reddy, learned standing counsel for respondents Nos.4 & 5.

It has been contended by the petitioner that the respondents have issued removal orders, dated 04.06.2015. Challenging the same, the petitioner has filed W.P.No.16482 of 2015, and this Court, vide orders dated 16.06.2015, was pleased to dispose of the writ petition, directing that the writ petitioner should be reinstated into service and another opportunity should be given to the petitioner by issuing a show cause notice and call for his explanation and also to submit certificates before taking any legal action. In pursuance to the said order of this court, the petitioner was reinstated into service and respondent No.5 had issued a show cause notice on 27.07.2015, directing him to submit proper service certificate with regard to his experience. It has been contended by the petitioner that he has submitted his service certificate, but the respondents, without taking the certificate into account, had passed the impugned termination proceedings.

The learned standing counsel, appearing for respondents Nos.4 and 5 had contended that every opportunity was given to the petitioner to submit his explanation, but the explanation submitted by the petitioner was not convincing and hence the impugned proceedings were passed.

As seen from the impugned proceedings, dated 23.11.2015, nowhere it was dealt with the submission of certificates by the petitioner and whether those certificates are valid or not. When the show cause notice has been issued to the petitioner with regard to submission of certificates, the same fact ought to have been discussed by the respondents before passing the impugned proceedings.

This court, having considered the rival submissions made by the parties, is of the considered view that the respondents have passed the impugned proceedings, dated 23.11.2015, without taking into consideration the certificates submitted by the petitioner, and therefore, the respondents are directed to re-consider the case of the petitioner afresh and pass orders by duly taking into account the certificates submitted by the petitioner, within a period of 4 (four) weeks from the date of receipt of a copy of this order. However, the respondents are at liberty to scrutinize the certificates submitted by the petitioner carefully and pass appropriate orders, in accordance with law.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 30.04.2018
Dsr