

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 27109 of 2003

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the proceedings of the 1st respondent in Memos dated 17.10.2003, as arbitrary and illegal and set aside the same.

Heard Sri K. Murali Krishna, learned counsel for the petitioners and Sri M. Ravindra, learned Standing Counsel for A.P.E.P.D.C.L. appearing on behalf of the respondents and perused the material placed on record.

The brief facts of the case are that the petitioners were appointed as Village Level Electric Workers in 1988 and subsequently, they were engaged as Junior Linemen on consolidated wage of Rs.3000/- per month. The petitioners, while discharging duties as Linemen, it was alleged by the respondents that the petitioners produced forged educational certifies when they were engaged as Junior Linemen, and thereafter, the respondents issued show cause notices and the petitioners submitted explanation thereto, but the respondents, without considering any of the issues raised by the petitioners, passed termination orders vide impugned Memos dated 17.10.2003.

The learned counsel for the petitioners contends that the respondents have passed a cryptic order without assigning

any reasons and mechanically terminated the petitioners from service and no enquiry was conducted to ascertain whether the certificates produced by them were genuine or fake. He further contends that this Court, vide orders dated 29.12.2003, while admitting the writ petition, granted interim suspension of the termination orders and by virtue of that order, the petitioners are continuing in service.

The learned Standing Counsel for the respondents contends that the respondents, after conducting detailed enquiry, passed the impugned termination orders and no illegality has been committed by the respondents and as the petitioners have submitted false educational certificates, their services were rightly terminated, as such, the writ petition is liable to be dismissed.

Having considered the rival contentions of the learned counsel for both the parties, this Court is of the opinion that the respondents have passed very cryptic order without assigning any reasons and without giving any opportunity to the petitioners to prove that the educational certificates produced by them are genuine. In view of the same, the proceedings in Memos dated 17.10.2003 are set aside, however liberty is given to the respondents to pass fresh orders after giving opportunity to the petitioners to be heard.

With these observations, the writ petition is disposed of.

No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

23-10-2018

bcj

