

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 27938 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 02.03.2017 in O.A.No. 510 of 2017 passed by the A.P. Administrative Tribunal, Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed.

Heard the learned counsel for both the parties and with their consent this writ petition is taken up for disposal at the admission stage itself.

The case of the petitioner before the Tribunal was that her husband expired on 03.05.2011 and the petitioner was appointed on compassionate grounds as Sweeper on 17.07.2012. However, the 3rd respondent, by order dated 08.03.2016, terminated the petitioner from service on the information received from the Commissioner of Police, Vijayawada that she produced fake study certificate issued on 18.06.1985 for the classes studied from I to V.

As on date, the petitioner has completed almost four years of service. In her appointment letter, it is specifically stated that her appointment is purely on temporary basis subject to verification of her character and antecedents.

However, she continued for four years in service and in between her antecedents have not been verified and simply on the information received from the Commissioner of Police, Vijayawada, the petitioner has been terminated from service vide order dated 08.03.2016.

The case of the petitioner is that the certificate is genuine and she can prove in the enquiry if an opportunity is given to her. In the present case, even show cause notice was not given to the petitioner to explain as to whether study certificate filed by her is genuine or not, but she has been terminated from service by virtue of the order dated 08.03.2016 issued by the 3rd respondent, which is in utter violation of principles of natural justice.

In view of the facts recorded above, this writ petition is allowed setting aside the order dated 08.03.2016 issued by the 3rd respondent. The respondents are hereby directed to reinstate the petitioner into service, and thereafter, conduct enquiry on the genuineness of the study certificate said to have been issued on 18.06.1985 by the Head Master, Sahithi Vidya Nikethan, Vijayawada. In the enquiry, if the study certificate is found to be fake, the respondents are free to take action in accordance with law. Inasmuch the termination of the petitioner is set aside on technical ground, the period of termination i.e. from 08.03.2016 to the date of

reinstatement, shall be construed as deemed suspension and in the final enquiry, this period shall be considered by the respondents. No order as to costs.

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

SURESH KUMAR KAIT, J

08.08.2018

ABHINAND KUMAR SHAVILI, J

bcj

