

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.29943 OF 2017

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 4th respondent in issuing the proceedings dated 26.7.2016 terminating the services of the petitioner, without issuing any notice, without following any procedure and without assigning any valid reasons, as illegal and arbitrary, and consequently, to set aside the proceedings dated 26.7.2016 issued by the 4th respondent.

2. Heard Sri N. Aswartha Narayana, learned Counsel for the petitioner and Sri G. Seena Kumar, learned Standing Counsel appearing for respondents Nos.3 to 5.

3. It has been submitted by the learned Counsel for the petitioner that while the petitioner was working as Special Officer on contract basis with the respondents, the 4th respondent terminated the services of the petitioner vide proceedings dated 26.7.2016 on the ground that the petitioner had forged the signatures of the 6th respondent-Drawing Officer, and that since the petitioner was working on contract basis, no enquiry was conducted and he was straightaway terminated. It has been further submitted that whenever allegations are levelled, an opportunity should be given to the petitioner to prove his innocence and it is not a case of termination simplicitor, and the allegations of impersonation and forgery were levelled against the petitioner and whenever such serious allegations are made, the respondents are bound to conduct an enquiry as it casts a stigma on the carrier of the petitioner.

4. The learned Standing Counsel for the respondents Nos.3 to 5 submits that since the petitioner has indulged in forgery and impersonation and he is working on contract basis, no enquiry should be conducted.

5. Having regard to the submissions made by both the Counsel and the circumstances of the case, I am of the considered view that whenever the respondents are making serious allegations against the petitioner, they are bound to conduct an enquiry and give an opportunity to the petitioner to defend his case. Admittedly, in the instant case, no such enquiry was conducted. Therefore, the termination orders passed by the 4th respondent i.e., proceedings dated 26.7.2016 are liable to be set aside.

6. Accordingly, the proceedings dated 26.7.2016 issued by the 4th respondent are set aside. The respondents concerned are at liberty to conduct a detailed enquiry and pass appropriate orders, after giving an opportunity to the petitioner, in accordance with law.

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

(ABHINAND KUMAR SHAVILI, J)

5th January, 2018
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THE HON'BLE Mr. ABHINAND KUMAR SHAVILI



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