

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.8275 OF 2017
AND
CONTEMPT CASE No.941 OF 2017

Dated:03.08.2018

WRIT PETITION No.8275 OF 2017

Between:

G. Ramesh, S/o. Rajaiah,
Aged 32 years, Occ: Youth Coordinator
(Contract), (now terminated), Telangana
State Aids Control Society DM & HS
Campus, Sulthan Bazar, Hyderabad .. Petitioner

And

Telangana State Aids Control Society,
Rep., by its Project Director, DM & HS
Campus, Sulthan Bazar, Koti,
Hyderabad and others .. Respondents



The Court made the following:

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COMMON ORDER:

Heard.

2. Petitioner was appointed as Youth Coordinator on contract basis. On 20.01.2017, a show cause notice was drawn against the petitioner containing four charges. They read as under:

- i) Charge – I: Sri Ramesh, Youth Coordinator misbehaved with JD (IEC) on 24.12.2016 and threatened him. He used abusive, rude and filthy language, which is unbecoming of an employee. He also tried to manhandle the officer and threw files on him. He forced JD (IEC) to sign on a file.
- ii) Charge – II: Sri Ramesh, Youth Coordinator has misbehaved with other officers on various other occasions.
- iii) Charge – III: Sri Ramesh, Youth Coordinator has tampered with the official files.
- iv) Charge – IV: Sri Ramesh, Youth Coordinator has destroyed the decorum of the office with his indecent and rude behaviour.

3. Petitioner filed his explanation dated 27.01.2017. However, on 01.02.2017, orders were passed removing the petitioner from service.

4. A bare reading of the show cause notice dated 20.01.2017 would show that the allegations levelled against the petitioner are vague, except the allegation in the first charge. The final order passed does not deal with the explanation offered by the petitioner and proceeds on the assumption that petitioner has to explain his

innocence, narrate some other incidents and holds the petitioner guilty. There is no discussion on the explanation offered by the petitioner and why the same is not accepted. Though the petitioner is a contract employee and liable for dispensing with his services in accordance with the terms of contract, but as the order of removal is made on the allegations of misconduct, the allegations must be specific, reasonable opportunity be afforded, justification to penalize employee must be based on the material on record and on due consideration of the explanation offered. The order impugned in the Writ Petition does not meet these parameters and is liable to be set aside.

5. The Writ Petition is accordingly allowed and the order impugned is set aside. The respondents are directed to reinstate the petitioner into service as expeditiously as possible preferably within a period of three weeks from the date of receipt of a copy of the order. It is open to the respondents to take appropriate action as warranted by law by following due procedure or to regulate appointment of the petitioner in terms of the appointment granted to him. It is also open to the petitioner to make appropriate application requesting for payment of amounts for the out of service period. Pending Miscellaneous Petition shall stand closed.

6. In view of disposal of W.P.No.8275 of 2017 setting aside the order of termination of petitioner, C.C.No.941 of 2017 is closed. However, petitioner is granted liberty to file appropriate application, in case the orders passed in the Writ Petition are not complied.

P. NAVEEN RAO, J

Date:03.08.2018

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