

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15766 of 2019

ORDER :

This writ petition is filed seeking *Mandamus* to declare the impugned Office order No.819/2019, dt.20.07.2019 issued by respondent No.2 dismissing the petitioner from service without conducting any enquiry, as illegal, arbitrary and against the principles of natural justice, and consequently, sought a direction to the respondents to reinstate him into service with back wages.

The petitioner was initially appointed as a Attender on temporary basis on 24.02.1997 and subsequently his services were regularised in the said post on 09.11.2000. After rendering a considerable length of service, he was promoted to the post of Clerk vide proceedings dt.30.07.2014 and subsequently as Assistant Manager vide proceedings dt.15.06.2018. While discharging his duties as Assistant Manager, on the basis of inefficiency bar, the petitioner was initially suspended from service with effect from 24.06.2019 and subsequently without conducting any enquiry and without giving any opportunity, the petitioner was dismissed from service on the allegation of remaining absent from office without intimation, vide Office Order No.819/2019, dt.20.07.2019 issued by respondent No.2. Challenging the same, the present writ petition is filed.

Heard Sri J. Venkatram Narsimha Reddy, learned counsel for the petitioner and Sri Emani Srinivas, learned Standing Counsel for the respondents.

Learned counsel for the petitioner contends that the petitioner was dismissed from service without conducting any enquiry and without affording an opportunity of hearing to the petitioner and, therefore, appropriate orders be passed in the writ petition setting aside the impugned order dt.20.07.2019.

The learned Standing Counsel for the respondents contends that the petitioner has indulged in illegal activity of trying to involve in the elections of the respondents and on that ground, initially the petitioner was placed under suspension vide proceedings dt.24.06.2019 and as the respondents intended to take disciplinary action against the petitioner, they sent letters to the petitioner, however, the petitioner refused to receive the said letters. Therefore, the respondents have no other option except to dismiss the petitioner from service vide impugned order dt.20.07.2019, as the petitioner is not cooperating with the respondents for concluding the disciplinary proceedings. He, therefore, contends that there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the

considered view that the impugned order dt.20.07.2019 is passed by the respondents without conducting any enquiry and without giving an opportunity of hearing to the petitioner. Therefore, for violation of the principles of natural justice and for not following the rules, the impugned order dt.20.07.2019 issued by respondent No.2 is liable to be set aside and it is accordingly set aside.

It is always open for the respondents to conclude the disciplinary proceedings initiated against the petitioner after conducting necessary enquiry and after giving an opportunity of hearing to the petitioner within a reasonable period of six weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioner would cooperate with the respondents in concluding the disciplinary proceedings initiated against him.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

18.12.2019.
Msr

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15766 of 2019



18.12.2019
Msr