

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.A. No. 663 of 2019

Date: 16-10-2019

Between:

Shaik Azad

...Appellant

And

The State of Telangana
Rep. by Prl. Secretary to Govt.,
General Administration (GPM & AR) Dept.,
Secretariat, Hyderabad, Telangana State and another

...Respondents

Counsel for the appellant: Mr. Y. Bala Murali

**Counsel for the respondents: Mrs. Vijayalakshmi
GP for Services**

The Court made the following:

Judgment: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The appellant-writ petitioner has challenged the legality of order dated 11-07-2019, passed by a learned Single Judge in W.P. No. 40867 of 2018, whereby the learned Single Judge has dismissed the said writ petition filed by the appellant challenging the termination of his services by order dated 15-10-2018, passed by respondent No. 2.

Briefly, the facts of the case are that the appellant had retired as a Law Officer-Manager, Legal (HoD) in the Andhra Pradesh State Financial Corporation. Considering his services, by order dated 21-09-2013, he was immediately taken on contractual basis as a judicial officer in the State Information Commission. According to the appointment letter dated 21-09-2013, the appointment was for a period of one year, and the appellant was entitled to a consolidated remuneration of Rs.40,000/- per month. It was clearly pointed out therein that the contractual appointment was terminable at any time during the period of contract without any notice, if his services were not required. However, considering his services, the appellant was continued in the said post on yearly contract basis.

In 2017, the respondent No. 1, the Principal Secretary of the Government, General Administration, issued proceedings dated 05-07-2017 and 06-07-2017, directing that the appellant and the other similarly situated employees working in the State Information Commission should be immediately relieved from their respective posts. Since the appellant and the other employees were aggrieved by the said proceedings, they filed a writ petition, *namely* W.P.No. 22631 of 2017 before this Court. A learned Division Bench of this Court directed the respondents to continue the petitioners therein till regular Commission is constituted by the State. Consequently, the appellant and the other employees were taken back into service. They continued to discharge their service with utmost commitment. However, by letter dated 11-10-2018, the Chief Secretary of the Government of Telangana informed the Telangana State Information Commission that a decision has been taken to discontinue the contract and outsourcing posts after giving one month's notice. Consequently, the appellant's services were discontinued with effect from 16-11-2018, after giving him a notice of one month on 15-10-2018. Since the appellant was

aggrieved by the termination of his services, he filed the present writ petition before the learned Single Judge. As pointed out above, the learned Single Judge has dismissed the writ petition by the impugned order. Hence, this appeal before this Court.

The learned counsel for the appellant has pleaded that there are six posts of judicial officers. While the services of the appellant have been terminated, the other judicial officers continue to discharge their duties in their respective posts. Therefore, it is a clear-cut case of hostile discrimination being practiced against the appellant. Hence, the learned Single Judge was not justified in dismissing the writ petition.

On the other hand, the learned counsel for the respondents submits that the post held by the appellant was abolished by the Government, whereas the posts held by the other four judicial officers continue to exist. Therefore, the case of the appellant does not stand on an identical footing as the other judicial officers holding the four posts. Hence, the learned counsel for the appellant is unjustified in claiming that hostile discrimination is being practiced against

the appellant. Hence, the learned counsel has supported the impugned order.

Heard the learned counsel for the parties, and perused the impugned order.

A bare perusal of the appointment letter dated 21-09-2013, clearly reveals that the appellant's appointment was on contract basis for a period of one year. The said contractual appointment could be terminated even without giving any notice. Moreover, the post held by the appellant was, admittedly, abolished by the Government, whereas the posts held by the other four judicial officers continue to exist. Therefore, the learned counsel for the appellant is unjustified in pleading that the case of the appellant stands on an identical footing as that of the other four judicial officers. Hence, it is not a case of hostile discrimination being practiced against the appellant.

Moreover, in the impugned order, the learned Single Judge has clearly noticed that the appellant was given one month's advance notice before terminating his services.

Furthermore, once a post is abolished, the incumbent of the office cannot claim any right to continue in the said post.

For the reasons stated above, this Court does not find any illegality or perversity in the appeal. Hence, the appeal is devoid of any merit. It is, hereby, dismissed.

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

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 16th October, 2019
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