

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.16118 of 2010

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“...issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to set aside the proceedings No.112/3527/85-FF(HC) Dated 26-5-2010 on the file of the 1st respondent by declaring the same as illegal, non application of mind, apart from violation of principles of natural justice and violation of Article 14 of Constitution of India and consequently direct the respondents to continue to pay the pension sanctioned in pursuance to the sanction order 112/3527/85-FF (HC)(A) dated 9-6-2004 on the file of the 1st respondent to the petitioner and to pass such other order or orders as the Hon’ble Court may deem fit and proper.”

2. Heard learned counsel for the petitioner, learned Standing counsel appearing for respondent No.1 and learned Government Pleader for respondent Nos.2 & 4.

3. Learned counsel for the petitioner submits the petitioner submitted an explanation on 19.09.2009 to the impugned show-cause notice, dated 19.08.2009. But, without considering the same, the impugned order was passed only on the ground that the petitioner has not submitted any explanation, which is in violation of principles of natural justice.

4. This Court, while admitting the writ petition, granted interim suspension on 09.07.2010. No counter-affidavit is filed as on today.

5. Since no counter-affidavit is filed disputing the fact that the petitioner has submitted explanation on 19.09.2009 to the show-cause notice, dated 19.08.2009, this Court is of the opinion that the impugned order was passed without considering the same, which is in violation of the principles of natural justice.

6. In view of the same, without going into the merits of the case, only on the ground of violation of principles of natural justice, the impugned order is set aside. However, this order will not preclude the 1st respondent from taking necessary action and issuing fresh notice to the petitioner.

7. The writ petition is allowed to the extent indicated above. No order as to costs.

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

A. RAJASHEKER REDDY, J

28th October 2019

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