

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.30797 of 2012 and
Contempt Case No.1675 of 2013

COMMON ORDER:

The Writ Petition No.30797 of 2012 is filed questioning the order in RC.No.E10/OGH/2012, dated 27.09.2012 passed by the second respondent-Superintendent, Osmania General Hospital, Hyderabad, in terminating the contract/agreement entered into with the petitioner for providing sanitation services during the period from October, 2010 to September, 2013, at Osmania General Hospital, Hyderabad, without issuing any notice, as being illegal, arbitrary and in violation of principles of natural justice.

Heard Sri G. Kalyan Chakravarthy, learned counsel for the petitioner and the learned Government Pleader for Medical and Health appearing for the respondents.

The learned counsel for the petitioner, while reiterating the writ averments, submits that the 2nd respondent has acted high handedly and in gross violation of principles of natural justice in terminating the petitioner's contract. The learned counsel for the petitioner further submits that even though the agreement does not stipulate or provide for issuance of notice, since the resultant action has civil consequences, adherence to principles of natural justice is required. In support of the above submission placed reliance

on the decision of this Court in the case of **Sri V.V.V.R.K. Yachendra v. State of A.P.**¹.

The learned Government Pleader on the other hand would submit that the cause in the writ petition does not survive further adjudication since petitioner continued to provide services for the remaining period of agreement on the basis of interim orders of this Court.

It is seen that by interim order dated 01.10.2012 this Court suspended the operation of the order of termination dated 27.09.20012 and by order dated 16.10.2012 the said interim order granted was extended pending further orders in the matter.

It is also seen that by virtue of the above said interim order, the petitioner continued to provide the services up to August, 2013 viz., one month prior to the expiry of the original agreement tenure, when by sequent order, the services of the petitioner were terminated with effect from 01.09.2013. The learned counsel for the petitioner submits that questioning the termination order passed on 30.08.2013, the petitioner has approached this Court by way of another Writ Petition being No.26264 of 2013 and the same is pending consideration.

Insofar as the grievance of the petitioner in this writ petition is concerned, on account of the interim orders

¹ (1987) 1 ALT 256 (AP)

granted by this Court, the petitioner continued to provide services for which payments have also been made by the respondents and the termination of services of the petitioner by virtue of the order dated 30.08.2013 viz., one month prior to the expiry of the agreement period is under challenge in another proceeding before this Court, this writ petition need not be considered further, as the cause in this writ petition does not survive for consideration on account of continuation of the services of the petitioner till August, 2013 and the payment for such services having been made by the respondents.

Accordingly, leaving it open for the petitioner to agitate the correctness or otherwise of termination of petitioner's services with effect from 01.09.2013, under challenge in Writ Petition No.26264 of 2013, no further orders are required to be passed in this writ petition. Accordingly, Writ Petition No.30797 of 2012 is closed.

In view of the closure of Writ Petition No.30797 of 2012, Contempt Case No.1675 of 2013 is also closed. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in these matters shall stand closed.

T. VINOD KUMAR, J

Date: 17.12.2019
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