

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION (TR) NO.5948 OF 2017

**ORDER:**

This Transfer Writ Petition is filed seeking the following prayer:-

“...to call for the connected records including the impugned proceedings in Procs.No.7404/2016-A3 (Pts), dated 07.05.2016 issued by the fourth respondent wherein orders of removal from the service issued without following the procedure contemplated under Rule 20 of A.P. C.S. (CCA) Rules, 1991 though the applicant is a regular employee of the fourth respondent office and set aside the same as illegal, arbitrary and contrary to law and also violative of principles of natural justice and further direct the respondents to reinstate the applicant into service with all consequential benefits including seniority, monetary etc.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that, initially, he was appointed as a Clerk-cum-Bill Collector with the Gram Panchayat, Parvathapur, Ghatkesar Mandal, Ranga Reddy District on 01.11.1985 and the services of the petitioner were also regularised in the cadre of Junior Assistant vide proceedings dated 19.12.1996. The petitioner further respectfully submits that while he was discharging his duties to the utmost satisfaction of the higher officials, he has applied for leave on 07.12.2015 for a period of eleven (11) days and the competent authority was pleased to sanction the leave. Thereafter, the petitioner could not join duty

due to his ill-health and other domestic problems. But the respondents construed the same as misconduct and initiated disciplinary proceedings and the District Panchayat Officer, vide proceedings dated 07.05.2016, has terminated the services of the petitioner without following Rule 20 of the A.P. Civil Service (CCA) Rules, 1991 ("the Rules").

Learned counsel for the petitioner contended that the impugned termination orders were passed without conducting any enquiry and without giving any opportunity to the petitioner as if the petitioner is a temporary employee though the petitioner's services were already regularised vide proceedings dated 19.12.1996. The counsel for the petitioner further contended that since the impugned termination order was passed without following due process of law, the same is liable to be set aside and the petitioner is entitled for reinstatement into service.

Learned Government Pleader submits that opportunity was given to the petitioner in the form of show cause notice to the petitioner dated 29.01.2016 and since the explanation submitted by the petitioner is not satisfactory, the services of the petitioner were terminated by the District Panchayat Officer and the Writ Petition is liable to be dismissed.

Having considered the rival submissions, this Court is of the considered view that the petitioner is a regular employee of Gram Panchayat and his services were regularised way back in the year 1992 vide proceedings dated 19.12.1996 and whenever disciplinary proceedings are initiated, the respondents are bound to follow Rule 20 of the A.P. Civil Services (CCA) Rules, 1991. Admittedly, in the instant case, since no enquiry was conducted

and respondents have terminated the services of the petitioner vide proceedings dated 07.05.2016, treating the petitioner as a temporary employee, which is not a correct procedure, the impugned order is liable to be set aside.

Accordingly, the impugned order dated 07.05.2016 is set aside and the respondents are directed to reinstate the petitioner in service within four (4) weeks from the date of receipt of a copy of this order with all consequential benefits. They are also directed to initiate disciplinary proceedings, if necessary, in accordance with the Rules and pass appropriate orders after conducting a detailed enquiry and after giving opportunity to the petitioner. With these observations, the Writ Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**(ABHINAND KUMAR SHAVILI, J)**

9<sup>th</sup> April 2019  
RRB