

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.23674 & 23698 of 2015

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by way of this common order.

When the matters are taken up for hearing, learned counsel on either side fairly concede that the issue involved in both the writ petitions is squarely covered by the judgment rendered by this Court in W.P.No.19721 of 2015, dated 18.1.2017, whereunder this Court allowed the writ petition by setting aside termination order as the same was passed without conducting regular enquiry and without giving any opportunity to the petitioner.

Learned counsel appearing for the petitioners submits that the said order was confirmed by the Division Bench in W.A.No.466 of 2017 dated 15.12.2017 and the respondents have carried the matter further in appeal by filing S.L.P (Civil) Diary No.7859 of 2018 before the Apex Court and that the Apex Court while ordering notice, granted stay on payment of back wages only. Learned counsel further submits that in the instant case also the respondents have terminated the services of the petitioners by the impugned termination orders without conducting any enquiry and without giving any opportunity.

It is prayed that appropriate orders be passed by setting aside the impugned termination orders and consider the case of the petitioners for payment of back wages with all consequential benefits.

Learned Standing Counsel appearing for the respondents does not dispute the same.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that since the impugned termination orders were passed without conducting any enquiry and without following due process of law, the same are set aside. However, the issue with regard to back wages shall be considered by the respondents after disposal of the SLP pending before the Apex Court. It is needless to state that after conducting enquiry, the respondents are at liberty to take action against the petitioners in accordance with law.

Accordingly, both the Writ Petitions are allowed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th October, 2019
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