

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.40867 OF 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus to set aside the proceedings dated 15.10.2018 issued by the 2nd respondent by declaring the same as arbitrary, vindictive, illegal and violative of Articles 14, 16, 19, 20 and 21 of the Constitution of India.

Heard learned counsel for the parties.

It has been contended by the petitioner that he is fully eligible and qualified to be appointed as a Judicial Officer and the respondents have appointed him as Judicial Officer on contract basis for a period of one year on consolidated remuneration of Rs.40,000/- per month vide proceedings dated 21.09.2013. The petitioner further submits that since the date of his appointment, he has been discharging his duties to the best satisfaction of his superiors and every one concerned and tenure of contract period was extended from time to time. The grievance of the petitioner is that while he was discharging his duties as Judicial Officer with the respondents, the respondents *vide* proceedings dated 15.10.2018, have terminated his services without giving any opportunity and without following the procedure. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner had contended that no opportunity is given to the petitioner before terminating his services and if an opportunity is given to the petitioner before terminating his

services, the petitioner would have put forth his case. Learned counsel further contended that since termination orders of the petitioner are passed without following due process of law, the same are liable to be set aside.

While admitting the writ petition on 14.11.2018, this Court granted *status quo* and, by virtue of the said order, the petitioner is being continued in service.

The respondents have filed vacate petition contending that the State Government has discontinued the post of Judicial Officer in Telangana State Information Commission and consequent thereto, the respondents had no other option except to terminate the services of the petitioner; it is for the State either to create a post or discontinue a post; since the decision of the Government to discontinue the post of Judicial Officer is a policy decision, the petitioner has no right to continue as a Judicial Officer with the respondents; the petitioner is working only on contract basis and though initially the contract period was only for one year, the same was extended from time to time; only when the State Government has discontinued the post of Judicial Officer, the respondents have terminated the services of the petitioner; and when the post of Judicial Officer is discontinued, the question of continuing the petitioner in the said post would not arise; there are no merits in the writ petition and the writ petition is liable to be dismissed.

Learned counsel appearing for the petitioner had drawn attention of this Court to the letter dated 11.10.2018, wherein the State

Government had taken a decision to review the cadre of the posts listed out in Annexure-A by the end of 31st December, 2018 and not to fill the vacant posts until a review is made. Learned counsel for the petitioner further contended that since no review was undertaken in respect of cadre strength of the posts, the action of the 2nd respondent in terminating the services of the petitioner is arbitrary, illegal and liable to be set aside.

Learned Government Pleader appearing for the respondents had contended that the review, which is stated in the letter dated 11.10.2018, relied on by the learned counsel for the petitioner is in respect of cadre strength of the posts listed in Annexure-A, whereas the petitioner's post falls under Annexure-B, and the very same letter would make it clear that two posts of Judicial Officer indicated in Annexure-B were discontinued and the Government has clearly stated that after giving notice one month in advance, the services of the individuals will be dispensed with and, accordingly, as per the procedure, by giving notice one month in advance, the 2nd respondent had issued proceedings dated 15.10.2018 terminating the services of the petitioner with effect from 16.11.2018; there are no merits and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for both parties, is of the considered view that the petitioner has no right to continue as Judicial Officer, since the post held by the petitioner was discontinued by the State Government vide letter dated

11.10.2018 and the 2nd respondent had issued notice one month in advance before terminating the services of the petitioner. Therefore, the termination of the petitioner is in compliance with the Rules and when the posts of Judicial Officer are discontinued by the State Government, the question of continuing the petitioner in the said post does not arise. There are no merits and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

11th July, 2019
v v

