

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47827 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus to set aside the impugned order passed by respondent No.2 *vide* Rc.No.C1/93/2018, dated 31.7.2018, holding it as illegal, without jurisdiction, in violation of principles of natural justice and in violation of Articles 14, 16 and 21 of the Constitution of India. A consequential direction is also sought to direct the respondents to continue the services of the petitioner as Bill Collector in respondent No.2-Municipality.

Heard Sri Praveen Kumar Veerjarla, learned counsel for the petitioner, learned Government Pleader for the respondent No.1 and Sri K.Chandra Sekhar Rao, learned Standing Counsel for the respondent No.2-Municipality.

It is the case of the petitioner that he was appointed as Computer Operator in the 2nd respondent-Municipality as an outsourcing employee in the year 2013. While he was working as such, the respondent No.2-Municipality *vide* proceedings Rc.No.C1/93/2018, dated 21.7.2018, had removed the petitioner, without giving any opportunity and without conducting any enquiry on the allegation that the petitioner has done mutation illegally in favour of certain individuals.

Learned counsel for the petitioner contended that while passing the impugned orders, an opportunity ought to have been given to the petitioner to prove his innocence. In the instant case, no enquiry was conducted against the petitioner. Without issuing any notice and without following procedure as contemplated in the

rules, the respondent No.2-Municipality, has straight away imposed the major penalty of removal. Therefore, it is contended that the impugned orders of removal may be set aside, with a direction to the respondents to reinstate the petitioner into service.

Learned Standing Counsel appearing for the respondent No.2 had submitted that when some irregularities are found by the Municipality with regard to mutation, the impugned orders have been passed against the petitioner and others.

This Court, having considered the rival submissions of the parties, is of the considered view that the impugned orders of removal are passed without giving any opportunity to the petitioner and without following the procedure as contemplated under law. Therefore, the impugned orders are liable to be set aside and accordingly, they are set aside. However, liberty is given to the respondent No.2-Municipality to initiate action against the petitioner in accordance with the rules, after giving opportunity to the petitioner.

With these observations, the writ petition is allowed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 02/01/2019

slk