

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.12875, 12915, 13588 & 12949 of 2019

COMMON ORDER

Heard learned counsel on either side.

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

For the sake of convenience, the facts in W.P.No.12875 of 2019 are hereunder discussed.

W.P.No.12875 is filed seeking the following relief:

“to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.4's I impugned proceedings Rc.No.Supdt/MEPMA/Nandini MPS/2019, dated 14.05.2019 for withdrawn/terminated with an immediate effect of the petitioners basing on news published in Velugu Daily Newspapers dated 28.02.2019 without any enquiry as illegal, arbitrary and violation of principles of natural justice and consequently set aside the impugned proceedings Rc.No.Supdt/MEPMA/Nandini MPS/2019, dated 14.05.2019 issued by the respondent No.4 and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case.”

It is the case of the petitioners that they were appointed as Community Organizers with the respondents during 2006 to 2014 and they have been discharging their duties. While so, a news item was published in 'Velugu' Telugu Daily news paper to the effect that the Community Organizers working with the respondents are indulging in incorrect practices and in view of the same, respondents have terminated the services of the petitioners without conducting any enquiry and without giving any opportunity to them.

Learned counsel appearing for the petitioners contended that impugned rejection orders are stigmatic and the services of the petitioners were terminated alleging that they have got loan by fraudulent means and violated MEPMA guidelines and also mislead the MEPMA authorities. It is further contended that whenever the respondents pass stigmatic orders, in all fairness, they have to conduct an enquiry and give an opportunity to the petitioners to defend their case. In support of his contention, learned counsel placed reliance on the judgment of the Apex Court in *D.K.Yadav vs. J.M.A Industries Ltd*¹. In view of the law laid down by the Apex Court in the said judgment, the respondents are bound to conduct enquiry whenever they are passing any stigmatic orders. It is prayed that appropriate orders be passed in the writ petition directing the respondents to pass appropriate orders by setting aside the impugned termination orders and further directing the respondents to reinstate the petitioners into service with all consequential benefits.

Learned Government Pleader appearing for the respondents contended that the petitioners have misused their capacity as Community Organizers and by showing their identity cards, they have obtained loan fraudulently from the bank and the petitioners themselves appeared before the authorities and admitted that they have committed the mistakes. When the petitioners have admitted

¹ (1993) 3 SCC 259

about the committing of mistakes, the respondents are not bound to conduct any enquiry and therefore, their services were rightly terminated by following the regulations. There are no merits in the writ petition and the same is liable to be set aside.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that when the services of the petitioners were terminated alleging fraudulent transactions, the respondents ought to have given an opportunity so as to enable the petitioners to defend their case. In view of the law laid down by the Apex Court in *D.K.Yadav vs. J.M.A Industries Ltd* (cited supra) the impugned termination orders are liable to be set aside.

Accordingly, all the Writ Petitions are allowed and the impugned termination orders are set aside. The respondents are directed to reinstate the petitioners into service. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date:07.01.2020
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