

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

WRIT PETITION No.13582 OF 2016

Between:

Shri Neerati Simhaiah

... **Petitioner**

And

The State of Telangana and others

... **Respondents**

JUDGMENT PRONOUNCED ON: 03.06.2024

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

MRS JUSTICE SUREPALLI NANDA

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... **Respondents**

< **Gist:**

> **Head Note:**

! Counsel for the Petitioner: Mr Deepak Bhattacharjee

^ Counsel for Respondent Nos.1,2&5:G.P. for Panchayatraj

^Counsel for Respondent No.3&4:R.Padma Rekha

? **Cases Referred:**

(1) (2009) 2 SCC 570

(2) (2007) 9 SCC 625

HON'BLE MRS. JUSTICE SUREPALLI NANDA**WRIT PETITION No.13582 OF 2016****ORDER:**

Heard Mr.Deepak Bhattacharjee, learned Senior designated counsel appearing on behalf of the petitioner, learned Assistant Government Pleader for Panchayatraj appearing on behalf of respondent Nos.1, 2 and 5 and Mrs R.Padma Rekha, learned counsel appearing on behalf of respondent No.3 and 4.

2. The petitioner approached the Court seeking prayer as under:

"to issue Writ, order, or direction more particularly in the nature of writ of mandamus declaring the order of termination under proceedings No. DVC/874/2012 dated 21.04.2015 issued by Respondent No.4, Memo No 5327/Vig.III-A/2012-1 dt 26.03.2012 issued by Principal Secretary to the Government (PR), Government of Andhra Pradesh, Panchayat Raj and Rural Development Department, Hyderabad, letter addressed by the Respondent No.2 to Respondent No.3 vide letter No. 3193/CRD/249/SPM (DM)/2012 dated 03.04.2012, the action of the Respondent No 3 in deciding to terminate the service of the petitioner based on the direction under letter dated 03.04.2012 of the Respondent No.2 and order of the appellate authority under proceedings No. 340/SCRD/119/

SPM(DM)/2015 dated 01.08.2015 as arbitrary, illegal, violative of the fundamental rights guaranteed under Article 14, 16 and 19(1)(g) of the Constitution of India, set aside the same or pass order or orders as the Honorable Court may deemed fit and proper in the circumstance of the case."

PERUSED THE RECORD :

3. The case of the petitioner, in brief, as per the averments made in the affidavit filed in support of the present writ petition:

a) The petitioner was working as Additional Programme Officer, Devaruppala Mandal, Warangal under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and was appointed as the same on 12/01/2007. Subsequently, from 01/01/2011, the petitioner was transferred to Narasimhulapeta, Warangal and was working there until the termination.

b) It is respectfully submitted that due to political rivalry one Smt.Nallam Venkata Lakshmi filed a writ petition bearing W.P. No 31088/2010 inter alia seeking a direction of mandamus against the respondents therein for not completing the process of check dam work in Vavilala village and further alleging that, in the check dam work of

Vavilala Gram Panchayat, there was misappropriation of money and the respondents had collected bribe.

c) Subsequently, this Court while dismissing the writ petition on 10/10/2011 held that the petitioner herein while working as the Additional Program Officer of Nellikuduru Mandal abused the official position and violated the Government Order No.27 dated 28/01/2006 and it was also recorded in the said order that the petitioner also accepted bribe of Rs.40,000/- (Rupees Forty Thousand) as per the report of the Director General of Anti-Corruption Bureau, and directed the Govt. to initiate appropriate action, both disciplinary and criminal against the petitioner in terms of the report of the Director General of Anti-Corruption Bureau.

d) However, the petitioner was neither a party nor aware of the pendency of the writ petition as well as the allegation against the petitioner which were leveled by the Director General of Anti-Corruption Bureau. The 2nd Respondent issued a letter to the 3rd Respondent to examine and terminate the services of the petitioner along

with Sri Hari Prasad, Technical Assistant. Based on the said letter, the 3rd Respondent informed the petitioner that his services shall be terminated forthwith. However, no show cause notice was issued to the petitioner earlier and terminated the service of the petitioner without following due process of law.

e) In view of the above circumstances the petitioner earlier questioned the Memo No 5327/Vig.III-A/2012-1 dated 26/03/2012 issued by Principal Secretary to the Government (PR), Govt. of AP, Panchayat Raj and Rural Development Department, Hyderabad and the letter addressed by the 2nd Respondent to the 3rd Respondent vide letter No. 3193/CRD/249/SPM (DM)/2012 dated 03/04/2012 and the action of the 3rd Respondent in terminating the service of the petitioner based on the direction under said letter in W.P No. 12241/2012. Therefore, this Court was pleased to grant interim suspension. However, for not impleading the State of Telangana in spite of giving two opportunities, the said Court was pleased to dismiss the writ petition on

10/04/2015. Thereafter, the petitioner filed an application for restoration of the said writ petition.

f) Subsequently, the 4th Respondent passed final order of termination under proceedings No. DVC/874/2012 dated 21/04/2015, terminating the petitioner's services with immediate effect and without recording any reasons held that the petitioner has indulged in gross and willful negligence of duties assigned to the petitioner under MGNREGS. However, the said order was contrary to law and facts of the case. Later on, the 4th Respondent without waiting for the result of the restoration application filed before this Court in WP No. 12241/2012 passed the above order on 21/04/2015.

g) Further the petitioner questioned the final order of termination dated 21/04/2015 issued by the 4th Respondent in WP No. 13444/2015. In the said writ petition, a counter affidavit was filed the 4th Respondent stating that the respondents mainly relied on the Anti-Corruption Bureau report. Nevertheless, during the course of hearing on 18/04/2016, the learned standing

counsel for the Respondent No. 2 to 4 pointed out that an order was passed by the Appellate Authority in proceedings No.340/SCRD/119/SPM(DM)/2015 dated 01/08/2015 confirming the order of the Disciplinary Authority in Proceedings No. DC/874/2012 dated 21/04/2015. It was further pointed that the said order is not separately questioned and hence the writ petition is not maintainable.

h) In view of the above circumstances, the petitioner prayed for withdrawal of the writ petition with liberty to file a fresh writ petition questioning the proceedings of the appellate authority dated 01.08.2015 in proceedings No.340/SCRD/119/SPM(DM)/2015 in addition to questioning the order of the Disciplinary Authority. The said Court was pleased to permit the petitioner to withdraw the writ petition and it was dismissed. Subsequently the disciplinary proceedings were initiated based on the findings of the Anti-Corruption Bureau report. The said paragraph of the order of the appellate authority reads as follows: -

“from the perusal of the records, it is observed that, based on the findings of the ACD report, the PD,

DWMA, Warangal has initiated the disciplinary action against Sri Neerati Simhaiah, Ex.APO, Nellikuduru Mandal for the following charges”

The Appellate Authority at Page 2 of the order dated 01/08/2015 recorded as follows:

“The essence of the charge is that the appellant in connivance with the programme officer engaged contractor in violation of the provisions. The appellant during the hearing denied the charge and submitted that the work was given to G.P. and no contractor was engaged. He further submitted that the G.P. might have given it to the contractor and he was not aware of it, until a controversy arose and work was stopped by local people and he was responsible for payment of wages for the wage work done which is about Rs. 8,800/- and no material payment was done”

i) Furthermore, the Appellate Authority refused to interfere with the order of the Disciplinary Authority and along with the counter, the 3rd Respondent also filed the report of the Anti-Corruption Bureau dated 14/03/2011. In the report of Anti-Corruption Bureau while dealing with the finding against Shri V. Laxminarayana Rao, MPDO, Nellikuduri Mandal, it is stated that the petitioner and also

technical officer have also colluded and assisted MPDO, Nellikudir Mandal in the above case and hence they are liable to the same.

j) It is the case of the petitioner that as both the order of Disciplinary Authority dated 21/04/2015 and also the Appellate Authority dated 01/08/2015, are cryptic and passed without taking into consideration the evidence on record and by mechanically following the report of the Anti-Corruption Bureau dated 14/03/2011. Aggrieved by the same, the present writ petition is filed.

4. Counter Affidavit filed by the 3rd Respondent, in particular, the relevant paras, read as under:

a) It is submitted that, that as per the report of the Anti-Corruption Bureau, Smt. Nallam Venkata Laxmi W/o Venkanna R/o Vavilala Village of Nellikudur Mandal Warangal District filed a writ petition No.31088 of 2010 before this High Court alleging that she paid bribes to the Mandal Parishad Development Officer, Nellikudur Mandal

and Sarpanch of Vavilala Gram Panchayat for release of funds sanctioned for construction of 3 check dams in Vavilala Village of which, she completed construction of one check dam in WID No.10118 that in spite of it, the sanctioned amount was not released and the official and others have demanded additional bribe. Since the allegations were serious in nature and pertains to acceptance of bribe by the public servants, this High Court directed the Director General, ACB, Hyderabad to initiate appropriate action in accordance with the law. Accordingly, based on the detailed enquiry conducted by the ACB, this High Court by its orders Dated 10/10/2011 while dismissing the said Writ Petition observed among other things, that as per the report of ACB, the petitioner and Technical Assistant(A. Hariprasad) of Nellikudur Mandal having colluded with the Mandal Parishad Development Officer, Nellikudur Mandal violated the instructions of the Government issued in G.O.Ms. No.27 PR & RD (RD-II) Dept., Dated 28/01/2006 and Technical Circular No.653/EGS/PM(T)/06, Dated 24/11/2006 of Commissioner,

RD to take necessary action to terminate the services of the petitioner and Sri A. Hariprasad, Technical Assistant who are contract employees and to initiate appropriate action both disciplinary and criminal in accordance with law.

b) It is humbly submitted that the Government issued a Memo No.5327/Vig.III-24/2012-1, Dated 26/03/2012 directing the Commissioner, RD to take necessary action against the petitioner. Since the Commissioner, RD is not competent authority to initiate disciplinary action against the said Additional Programme Officer under the relevant disciplinary rules, the said memo was forwarded to the competent authority i.e. 3rd Respondent by the Commissioner, RD in letter No.3103/CRD/249/SPM (DM)/2012, Dated 03/04/2012 with instructions to the Project Director to examine the issue and then terminate the services of the petitioner.

c) It is respectfully submitted that, when there were specific directions in W.P.No.31088 of 2010 from this High Court to initiate disciplinary and criminal action in accordance with Law, in the light of the ACB reports, the

question of terminating the petitioner straight away without following the due procedure by this respondent does not arise. Allowing the contractor to execute the works under MGNREGS, is strictly prohibited as per G.O.Ms.No.27, Dated 28/01/2006.

d) It is respectfully submitted that after issuing notices, obtaining explanations thereon and allowing reasonable opportunity by way of personal hearing etc. final orders of petitioner's termination were passed on 21/04/2015 by the disciplinary authority. On appeal against the orders of the petitioner's termination, the appellate authority has also issued notices, allowed personal hearing to the petitioner and passed final orders vide Proceedings No.340/SCRD/119/SPM (DM)/2015, Dated 01/08/2015.

5. Reply Affidavit has been filed by the petitioner to the Counter Affidavit filed by the 3rd respondent, in brief, as under:

a) It is respectfully submitted that the appointment of the petitioner is valid until the MGNREG Scheme is in force and hence it is incorrect to state that the appointment was

contractual in nature. Moreover, none of the allegations are proved either in domestic inquiry or in the court of law. On the contrary no criminal proceedings were initiated by the Anti-Corruption Bureau and hence all the allegations leveled by Smt.Nalam Venkata Lakshmi, the complainant are not proved. The facts stated therein are not supported with any documentary evidence.

b) It is humbly submitted that, after the petitioner denied all the allegations in the show cause notice, it was obligatory on the part of the respondents to conduct inquiry and provide the petitioner opportunity to take part in the inquiry. **In the instant case, based on the reply to the show cause notice, the order of termination was passed which was upheld by the appellate authority mechanically without application of mind. Alongside, the inquiry was not conducted as per the laid down procedure or in consonance with the principles of natural justice.**

6. Letter No.3193/CRD/249/SPM(DM)/2012, dated 03.04.2012 of the 2nd respondent, reads as under:

"The attention of the PD, DWMA, Warangal is invited to the reference cited copy enclosed and he is informed that the director DG, ACB Hyd., through his letter Rc. No. 7/RCO-WWL/2011 dated 25.02.2012, has informed that Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal, Warangal District had colluded with the Mandal Parisad Development Officer, Nellikuduru Mandal, violated the rules as laid down in G.O.Ms. No. 27, Panchayat Raj and Rural Development (RD-II) Department dated 28.01.2006 and the Technical Circular No.653EGS/PM (T)/09 dated 24.11.2006, issued by the Commissioner, Rural Development and abused their official positions, while execution of NREGS works. Hence the Director General Anti-Corruption Bureau has requested to take necessary action against Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal, Warangal District for their termination. It is further informed that the Hon'ble High Court of AP, in its order dated 10.10.2011 in WP. No. 31088 of 2010, filed by Smt.Nallam Venkatalaxmi (Petitioner) has directed to terminate the service of Sri Neerati Sinhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant who are Contract employees.

Government in PR & RD, Department has examined the matter keeping in view the directions of the Hon'ble High Court of AP, and directed the Commissioner RID, to terminate the service of Sri Neerati Simhaiah, Assistant

Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal, Warangal District with immediate effect as they had colluded was the Mandal Parisad Development Officer, Nellikuduru Mandal violated the rules as laid down in G.O.Ms. No. 27, Panchayat Raj and Rural Development (RD-II) Department dated 28.01.2006 and the Technical Circular No.653EGS/PM (T)/09, dated 24.11.2006 issued by the commissioner, Rural Development and abused their official positions.

In the above circumstances the PD, DWMA, Warangal District is directed to examine and terminate the service of Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal, Warangal District and report compliance to this office immediately.

7. Memo No.5327/Vig.III-A/2012-1, dated 26.03.2012 of the Principal Secretary to Government, reads as under:

“The Commissioner, Rural Development, AP-Hyderabad is informed that in the reference 2nd cited the Director General, Anti Corruption Bureau, Hyderabad has informed that Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal, Warangal District had colluded with the Mandal Parisad Development Officer, Nellikuduru Mandal, violated the rules as laid down in G.O.Ms. No. 27, Panchayat Raj and Rural Development (RD-II) Department

dated 28.01.2006 and the Technical Circular No.653EGS/PM (T)/06 dated 24.11.2006, issued by the Commissioner, Rural Development and abused their official positions, while execution of NREGS works. Hence the Director General, Anti-Corruption Bureau has requested to take necessary action against Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal of Warangal District for their termination.

2. Further, he is informed that in the reference 1st cited the Hon'ble High Court of A.P. in its order dated 10.10.2011 in W.P. No. 31088 of 2010 filed by the Smt. Nallam Venkatalaxmi (Petitioner) has directed to terminate the service of Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technica Assistant who are Contract employees.

3. Government has examined the matter keeping in view the directions of the Hon'ble High Court of AP, hereby directs the Commissioner, Rural Development, Hyderabad to terminate the service of Sri Neerati Simhaiah, Assistant Project Officer and Sri A.Hariprasad, Technical Assistant (Contract employees) Nellikuduru Mandal, Warangal District with immediate effect, as they colluded with the Mandal Parisad Development Officer, Nellikuduru and violated the rules as laid down in G.O.Ms. No. 27, Panchayat Raj and Rural Development (RD-II) Department dated 28.01.2006 and the Technical Circular No.653EGS/PM (T)/06 dated 24.11.2006 issued by the

commissioner, Rural Development and abused their official positions.

4. The Commissioner, Rural Development, Hyderabad shall take immediate necessary action accordingly and furnish compliance report to Government.

DISCUSSION AND CONCLUSION:

8. The learned Senior designated counsel appearing on behalf of the petitioner mainly contended that the order of termination issued to the petitioner passed in proceedings No.DVC/874/2012 dated 21.04.2015 by the 3rd respondent and also the orders dated 01.08.2015 of the Appellate Authority are not in accordance with the disciplinary rules for FTES of SRDS Rules, 2012.

9. It is further the specific case of the petitioner that in pursuance to the orders passed in W.P.No.31088 of 2010 Memo dated 26.03.2012 was issued by the Principal Secretary to the Government (PR) Government of Andhra Pradesh, Panchayatraj and Rural Development Department, Hyderabad and letter dated 03.04.2012 was addressed by the Chief Executive Officer, SRDS, A.P. Hyderabad to the Project Director, DWMA, Warangal District and on the basis of the said Memo dated

26.03.2012 and the letter dated 03.04.2012, the order impugned dated 21.04.2015, vide Proc. No.DVC/874/2012 had been passed by the 3rd Respondent which are the final orders of termination and the same had been upheld by the impugned proceedings of the Appellate Authority vide Proceedings dated 01.08.2015. The impugned final orders of termination dated 24.01.2015 had been passed by the 3rd respondent without assigning any reasons in clear violation of principles of natural justice, without providing a reasonable opportunity to the petitioner, without there being proper domestic or departmental enquiry, based on the reply to the show cause notice and the same was upheld by the Appellate Authority mechanically without application of mind.

10. The operative portion of the order passed in W.P.No.31088 of 2010 which had been the basis for initiation of proceedings against the petitioner is extracted hereunder :

"The question whether the Gram Panchayat passed a resolution entrusting the work to the petitioner or not, is a disputed question of fact. Therefore, it is not possible for this Court to render any conclusive finding thereon. If the petitioner was entrusted with the work and executed the same, she is entitled to approach the Civil Court of competent jurisdiction for recovery of the amounts due to

her. Therefore, no direction for payment of the amount can be given in this Writ Petition.

As regards the reports submitted by respondent No.5-Director-General of ACB, both in the preliminary and the final reports, specific findings have been rendered against respondent No.3, Sri Neerati Simhaiah, the then Assistant Project Officer and Sri K. Hari Prasad, Technical Assistant, Nellikuduru Mandal. The report indicted respondent No.3 for abusing his official position."

11. A bare perusal of the specific instructions in the letter dated 03.04.2012 of the Commissioner, RT and Chief Executive Officer, SRDS, O/o. CRD, AP, Hyderabad, addressed to the Project Director, DWMA, Warangal District (referred to and extracted above), clearly indicate a specific direction to the 3rd Respondent to examine and terminate the service of the petitioner and report compliance to the Office immediately.

12. A bare perusal of the contents of the Memo dated 26.03.2012 vide Memo No.5327/Vigilance III-A/2012-1, paragraph No.3 in particular (referred to and extracted above) indicates specific directions by the Government to terminate the services of the petitioner with immediate effect and accordingly furnish compliance report to the Government.

13. A bare perusal of record indicates that admittedly as borne on record the disciplinary proceedings are initiated against the petitioner touching petitioner's moral turpitude, but however, no inquiry officer had been appointed, no show cause notice was given to the petitioner and the procedure to be followed in a domestic inquiry had not been followed. This court opines that any domestic inquiry is based on the principle of "preponderance of probability" and hence the disciplinary authority should have appointed the inquiry officer who in turn would have conducted a detailed inquiry and submitted a report instead of placing reliance on the report of the Anti Corruption Bureau. It is true that the respondents acted in pursuance to the orders of this Court in W.P.No.31088/ 2010, but however, the respondents had the bounden duty to follow the due procedure under law and basing on specific instructions issued vide letter dated 03.04.2012 of the Chief Executive Officer, SRDS, to the 3rd respondent and on the Memo dated 26.03.2012 of the Principal Secretary to Government the final orders of termination dated 21.04.2015 ought not have been passed by the 3rd respondent without following the mandatory

procedure of conduct of disciplinary proceedings since admittedly as borne on record even in the order dated 10.10.2011 passed in W.P.No.31088 of 2010 in its conclusion it is very clearly observed as under:

“Respondent No.1 is directed to initiate appropriate action, both disciplinary and criminal in accordance with law against respondent No.3 and two others in the light of above mentioned reports of respondent No.5.”

14. A bare perusal of the order impugned dated 21.04.2015 i.e., the final orders of termination issued by the 3rd respondent clearly indicates that it is an order passed without any reasons nor there is any discussion of the explanation submitted by the petitioner in writing during the course of personal hearing except stating that the explanation submitted both oral and in writing during the course of personal hearing by the petitioner had been examined with reference to the records. The order impugned dated 21.04.2015 is neither a speaking order based on the evidence on record nor there is any discussion of the evidence in the final orders of termination.

15. This Court opines that the observations in the earlier order of this Court dated 10.10.2011 passed in W.P.No.31088 of 2010 had been misunderstood by the respondents herein and the specific words of this Court in the said order in accordance with law had been totally ignored.

16. A bare perusal of the consequential impugned order of the Appellate Authority dated 01.08.2015 confirming the final orders of termination dated 21.04.2015 of the 3rd respondent clearly indicates that it is the cryptic order passed without application of mind, mechanically confirming the final orders of termination dated 21.04.2015. The Appellate Authority in fact is duty bound to examine whether the procedure laid down in the rules was complied with, whether the inquiry officer is justified in arriving at the finding that the petitioner was guilty of the misconduct alleged against the petitioner and whether the penalty imposed by the Disciplinary Authority was excessive, but curiously the Appellate Authority except stating that the final order of termination is a reasoned speaking order mechanically confirmed the final orders of

termination dated 21.04.2015 issued by the 3rd respondent, erroneously, hastily.

17. The Apex Court in the judgment reported in (2009) 2 SCC 570 in *Roop Singh Negi Vs. Punjab National Bank & Others*, vide its judgment dated 19.12.2008 referring to conduct of Departmental Inquiry very clearly observed that mere production of documents is not enough, the contents of the documentary evidence has to be proved by examining witnesses and further held that FIR in itself is not an evidence without actual proof of facts stated therein. Para 23 of the said judgement is extracted hereunder :

"23. Furthermore, the order of the disciplinary authority as also the appellate authority are not supported by any reason. As the orders passed by them have severe civil consequences, appropriate reasons should have been assigned. If the enquiry officer had relied upon the confession made by the appellant, there was no reason as to why the order of discharge passed by the Criminal Court on the basis of self-same evidence should not have been taken into consideration. The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. **The provisions of the Evidence Act may not be applicable in a departmental proceeding but**

the principles of natural justice are. As the report of the Enquiry Officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the Enquiry Officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof.

17. The Apex Court in the judgment reported in (2007) 9 SCC 625 in Coal India Ltd., & Others Vs. Saroj Kumar Mishra dated 17.04.2007 at Para 18 observed that a departmental proceeding is ordinarily said to be initiated only when a charge sheet is issued on the basis of a preliminary enquiry held in that behalf or otherwise.

18. A bare perusal of the counter affidavit filed by the 3rd Respondent indicates the stand of the 3rd Respondent as having followed the procedure under SRDS Rules and justifies the two letters issued by Respondent No.1 and Respondent No.2, the letter dated 26.03.2012 and 03.04.2012 as internal correspondence, the counter however does not indicate issuance of any charge sheet to the Petitioner nor refers to any enquiry as having been conducted by the enquiry officer. This Court opines that

the Petitioner cannot be terminated and punished without any enquiry.

19. Learned Government Pleader appearing on behalf of the respondents placing reliance on the averments made in the counter affidavit contends that there is no illegality in the order impugned and the same warrants no interference by this Court since due procedure under the rules had been followed, hence contends that the writ petition needs to be dismissed.

20. This Court opines that the judgments relied upon by the learned Government Pleader appearing on behalf of the respondents do not apply to the facts of the present case and all the pleas put forth by the learned Government Pleader are untenable and hence, rejected.

21. Taking into consideration :

- i. The above said facts and circumstances of the case.**
- ii. Duly taking note of the fact as borne on record that the two impugned letters Memo dated 26.03.2012 vide Memo No.5327/Vigilance III-A/2012-1 of the Principal Secretary to Government, Panchayatraj and Rural Development (Vigilance III-A)/2012-1 and the impugned letter dated 03.04.2012 of the Chief Executive Officer,**

SRDS are not internal correspondence as put-forth by the 3rd Respondent in the counter affidavit but are specific instructions issued to the 3rd Respondent to examine and terminate the service of the Petitioner and report compliance to the office immediately.

iii. The view taken by the Apex Court in the judgments reported in

(a) (2009) 2 SCC 570 in *Roop Singh Negi Vs. Punjab National Bank & others*, and

(b) (2007) 9 SCC 625 in *Coal India Ltd., and others Vs. Saroj Kumar Mishra* (referred to and extracted above),

iv. The order of this Court dated 10.10.2011 passed in W.P.No.31088 of 2010,

The writ petition is allowed as prayed for, and the orders impugned dated 21.04.2015 issued by the 4th Respondent and the orders of the Appellate Authority dated 01.08.2015 and the Memo dated 26.03.2012 of the Principal Secretary to Government, Panchayatraj and Rural Development, 9 Vig.III-A Department, and letter dated 03.04.2012 of the Commissioner, RD, Chief

Executive Officer, SRDS, Hyderabad, addressed to the 3rd Respondent are set aside and matter is remitted to the 4th Respondent to consider the subject issue afresh again in accordance to law, in conformity with the principles of natural justice by providing reasonable opportunity of personal hearing to the petitioner and also the due procedure as per the relevant rules in force as on date and pass appropriate reasoned speaking order within a period of (08) weeks from the date of receipt of the copy of the order, and duly communicate the same to the petitioner.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

MRS JUSTICE SUREPALLI NANDA

Date: 03.06.2024

Note: L.R.Copy to be marked

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Yvkr