

THE HON'BLE SRI JUSTICE A.V. SESA SAI
&
THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA

W.A. No. 850 OF 2022

ORDER: *(per A.V. Sesa Sai, J)*

Heard Sri T.N.M. Ranga Rao, learned Government Pleader for Women Development and Child Welfare, for the appellants and Sri Srinivas Ambati, learned counsel, appearing for the writ petitioner-respondent herein.

The respondents in W.P.No.16292 of 2020 are the appellants in the present Writ Appeal, preferred under Clause 15 of Letters Patent.

This Appeal calls in question the order passed by the learned Single Judge in the aforesaid W.P.No.16292 of 2020, dated 02.08.2022. The respondent herein filed the aforesaid Writ Petition, assailing the order of termination dated 26.07.2020 passed by the District Collector-appellant No.2 herein. Learned Single Judge by way of order impugned in the present Writ Appeal allowed the Writ Petition, setting aside the order of termination dated 26.07.2020 and directed the appellants herein to reinstate

the writ petitioner-respondent herein into service. Hence, the present Writ Appeal.

According to the learned Government Pleader, the order passed by the learned Single Judge is highly erroneous and contrary to law. In elaboration, it is further contended by the learned Government Pleader that the learned Single Judge grossly erred in directing reinstatement of the writ petitioner-respondent herein into service. It is also the submission of the learned Government Pleader that pursuant to the orders passed by this Court in W.P.No.4064 of 2019, dated 12.03.2020, the appellant No.2 herein passed the order of termination, after considering the explanation submitted by the writ petitioner, as such the order of termination cannot be faulted.

On the contrary, Sri Srinivas Ambati, learned counsel for the writ petitioner-respondent herein contends that there is absolutely no error nor there exists any infirmity in the order passed by the learned Single Judge, as such, interference of this Court under Clause 15 of the Letters Patent is not warranted. It is also the submission of the

learned counsel that though this Court in W.P.No.4064 of 2019 categorically observed about the non consideration of the explanation, the appellant No.2 herein, in violation of the said order, passed the present order of termination, confirming the order passed earlier on 20.05.2018.

In the above background, now the issue that emerges for consideration of this Court in the present Writ Appeal is:

“Whether the order passed by the learned Single Judge is sustainable and tenable and whether the same warrants any interference of this Court under Clause 15 of Letters Patent?”

The information available before this Court, in manifest terms, reveals that earlier when the respondent-authorities passed an order of termination on 20.05.2018, the writ petitioner-respondent herein assailed the said order of termination in W.P.No.4064 of 2019, principally contending that despite the receipt of the explanation dated 05.02.2008 in response to the show-cause notice dated 31.01.2018 from the writ petitioner-respondent, the authorities did not consider the said explanation and

obviously taking into consideration the said aspect, this Court disposed of the said Writ Petition *vide* order dated 12.03.2020. A copy of the said order is also filed along with present Writ Appeal as a material paper and a perusal of the said order shows that learned Single Judge noted the same.

After remand of the matter, once again the appellant No.2 herein passed the order of termination dated 26.07.2020. A reading of the said order of termination, which is also filed along with the present Writ Appeal as a material paper, shows that the appellant No.2 herein passed the order of termination without taking into consideration the contents of the explanation offered by the writ petitioner-respondent herein. Except indicating the explanation dated 05.02.2018 (received on 06.02.2018) as one of the references in the impugned order of termination, the District Collector did not make any endeavour to consider the contents of the explanation offered by the writ petitioner-respondent herein allegation-wise. The said action on the part of the District Collector is not only illegal and arbitrary, but also in derogation of earlier orders of

this Court in W.P.No.4064 of 2019, dated 12.03.2020, wherein the learned Single Judge of this Court while disposing of the Writ Petition categorically made an observation about the non consideration of the explanation offered by the writ petitioner-respondent herein.

A perusal of the order passed by the learned Single Judge shows that learned Single Judge by way of impugned order had set aside the order of termination and at the same time also directed the respondents therein to reinstate the writ petitioner-respondent herein. According to the learned Government Pleader, learned Single Judge ought not to have directed reinstatement as there are serious allegations against the writ petitioner-respondent herein. To the extent of the direction to reinstate the writ petitioner-respondent herein, this Court is in agreement with the contention of the learned Government Pleader and the learned Single Judge, in fact, ought to have directed the authorities to pass a fresh order, after considering the contents of explanation offered by the writ petitioner-respondent herein.

For the aforesaid reasons, the Writ Appeal is partly allowed, setting aside the order passed by the learned Single Judge to the extent of directing reinstatement of the writ petitioner-respondent herein into service. It is made clear that the rest of the order shall remain intact. It is further made clear that the authorities are at liberty to pass appropriate orders afresh, after considering the explanation submitted by the writ petitioner-respondent herein and this exercise shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, stand closed.

A.V. SESA SAI, J

DUPPALA VENKATA RAMANA, J

Date: 08.11.2022
Ks

THE HON'BLE SRI JUSTICE A.V. SESA SAI
&
THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA

W.A. No. 850 OF 2022

(per A.V. Sesa Sai, J)

Date: 08.11.2022

Ks