

(2009) 02 AP CK 0012
In the Andhra Pradesh High Court
Case No : Writ Petition No. 2215 of 2009

M. Masthan Rao

APPELLANT

Vs

The Society for Rural Development Services and Others

RESPONDENT

Date of Decision : 09-02-2009

Acts Referred:

Citation : (2009) 2 ALD 829

Hon'ble Judges : B. Seshasayana Reddy, J

Bench : Single Bench

Advocate : A. Prabhakar Rao, for the Appellant; G.P., for the Respondent

Final Decision : Allowed

Judgement

B. Seshasayana Reddy, J.—The petitioner was appointed as Agricultural Consultant in the year 1992. He worked as such till the year 1999. In the year 2000, he was appointed as Adoptive Research Officer in PAR Project in IFAD and worked in Rampachodavaram, East Godavari District and Adilabad District and later he was posted as Watershed Development Coordinator in ITDA, Utnoor during the years 2000-2001. The Chief Executive Officer, Society for Elimination of Rural Poverty (SERP) appointed him as District Project Manager, South Asian Poverty Alleviation Project (SAPAP), in Hyderabad and Mahaboobnagar during the years 2001-2005. The respondents issued notification calling for applications for appointment of District Capacity Building Centre (Convergence Coordinator). He applied for the said post. Selection Committee on being satisfied with his competitive merit, appointed him as Convergence Coordinator (DCBC). The initial period of appointment was for one year from 11.04.2005 to 10.04.2006. Later, the said period was extended from time to time. The respondents re-designated the said post as Assistant Project Director and included the same in H.R. Policy guidelines. An agreement for fixed tenure engagement was executed by the Joint Secretary for Development Studies, AMR, APAARD Campus, Rajendranagar, Hyderabad, fixing the term of appointment of the petitioner from 01.04.2008 to 31.03.2010. While the petitioner was working as Assistant Project Director in

Andole Cluster, which consists of 6 mandals viz., Andole, alladurg, Pulkal, Takemal, Regur and Papannapet, the first respondent issued proceedings dated 19.01.2009 vide Proc. No. 024/SRDS/HR/2008, terminating his services by exercising power under Clause 6(e) of the Contract Agreement. The said proceeding is assailed in this writ petition on the ground that the same is in violation of principles of natural justice.

2. When the writ petition came up for admission hearing, learned Government Pleader for Panchayat Raj and Rural Development received notice on behalf of the respondents.

3. Heard learned Counsel appearing for the petitioner and learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents 1 to 3.

4. Learned Counsel appearing for the petitioner submits that the petitioner was not put on notice on the allegations leveled against him and the first respondent resorted to terminate the services of the petitioner, who have put in 17 years of service, by invoking Clause 6(e) of the Contract Agreement and the same is contrary to the principles of natural justice and thus, the termination order is liable to be set aside.

5. Learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondents supported the order impugned in the writ petition on the ground that the termination of the petitioner is in accordance with Clause 6(e) of the Contract Agreement.

6. I have gone through the Contract Agreement. As per the terms of the Contract Agreement, the services of the petitioner are liable to be terminated on indulging financial irregularities and misusing the positional powers for personal benefits. The termination order dated 19.01.2009 does not indicate as to what are the financial irregularities and in what way the petitioner misused his positional powers for personal benefits. The termination order is bereft of the grounds, which formed the basis for invoking Clause 6(e) of the Contract Agreement. A fair play requires the petitioner was to put on notice on the allegations leveled against him so as to enable him to offer his explanation. Since the proceeding impugned in the writ petition is in clear violation of the principles of natural justice, it is liable to be set aside.

7. Accordingly, the writ petition is allowed at the admission stage setting aside the proceeding dated 19.01.2009 vide Proc. No. 024/SRDS/HR/2008, issued by the 1st respondent, reserving liberty to the respondents to initiate necessary action if so advised, after putting the petitioner on notice with regard to the allegations leveled against him. No costs.