

(2021) 12 TEL CK 0045
In the Telangana High Court
Case No : Writ Petition No. 16630 Of 2020

Nagesh Indrakanti

APPELLANT

Vs

Registrar Itcumcentral Project Coordinator And 3 Others

RESPONDENT

Date of Decision : 15-12-2021

Acts Referred:

Citation : (2021) 12 TEL CK 0045

Hon'ble Judges : Satish Chandra Sharma, CJ;N. Tukaramji, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The petitioner before this Court has filed the present writ petition being aggrieved by an order of termination issued by the Registrar (IT-cum-Central Project Coordinator), High Court of Telangana, Hyderabad.

The petitioner's contention is that a Notification was issued on 30.07.2015 for the post of System Assistant and the petitioner participated in the process of selection. He was selected by the High Court and an order was issued on 05.01.2017. He was given training for the post in question and his remuneration was enhanced from time to time. Initially, he was paid Rs.15,000/- and then it was enhanced to Rs.25,000/-. The petitioner's contention is that he was absent for two days as his mother was unwell and for another three days on the same ground and to his utter surprise, an order of termination was passed putting his services to an end on 01.11.2019.

The petitioner preferred the writ petition before this Court and the respondents have filed a counter affidavit in the matter. Paragraphs 6, 7 and 8 of the counter affidavit filed by the respondent No.1 are reproduced as under:-

"6. It is submitted that as part of their day to day activities, all the System Officers and System Assistants are required to fill up the work assessment forms on daily basis, starting from 16-08-2019. However, the petitioner herein who was working in the Court of VIII-Additional District and Sessions Judge, Miryalguda,

Nalgonda District has never filled up his work assessment form, inspite of several reminders. It is submitted that the work assessment form is reviewed by the Registry to see the day-to-day work done by each System Officers/System Assistant and except for the petitioner's record, the Registry is able to view and assess the work done by all other Systems Officers/Assistants, since even after multiple reminders and follow ups the petitioner herein did not fill up his work assessment form. This also shows his negligent and irresponsible behavior towards the Office.

7. It is submitted that the petitioner herein is associated with Jai Bheem Youth Society and he is the President of the aforesaid Society and organizes certain seminars in the said capacity. In fact the petitioner sent a Whats app message to the VIII Addl. District and Sessions Judge, Miryalguda and requested for a leave as he was suffering with dengue fever but this respondent was surprised when it was noticed an article in the local newspaper Andhra Jyothi dated 24-10-2019 and also on social media, wherein the petitioner was standing on a dais and addressing a public gathering in his capacity as the president of Jai Bheem Youth Society. It is submitted that such a behavior of the petitioner herein is highly unacceptable and not professional.

8. It is submitted that for all the reasons stated above, the Hon'ble Computer Committee had directed this respondent to take steps for termination of the petitioner from the post of System Assistant, Nalgonda District and to notify the said vacancy for the same post. The Committee directed the respondent herein to conduct interviews on 02-11-2019 for the said post and a three member interview panel also was formed for the same consisting of the (i) State Informatic Officer, National Informatics Center, (ii) Technical H.O.D from I.I.I.T, Hyderabad and (iii) Registrar (Information Technology)-cum Central Project Co-ordinator, High Court for the State of Telangana. It is submitted that the respondent herein has also called upon the National Institute for Smart Government (N.L.S.G) which provides e-governance consulting services to the Central and State Government to sponsor the candidates for the post of System Assistant. The N.I.S.G has sponsored the list of candidates in the ratio of 1:3 and the interview was conducted by the panel and one Mr.Ch. Purushotham was selected for the post of System Assistant. It is submitted that the said candidate was already working in this High Court as a "Service Engineer" as he was employed with NECX India Pvt. Ltd. for hardware service and he was selected for the post of "System Assistant" after due consideration of his candidature. The entire selection process was placed before the Hon'ble Computer Committee, which ratified the entire process. Thereafter, the postings of all these selected candidates and two internal transfers of existing System Officers was also done by this Registry under the directions of Hon'ble Computer Committee. Every single action done by this respondent was under the directions of Hon'ble Computer Committee and the Hon'ble the Chief Justice and there is no scope either in personal capacity of respondent No.2 or in official capacity, as this respondent to do any individual act except acting upon the directions of Hon'ble

Computer Committee and the Hon'ble the Chief Justice. Moreover, the qualifications, experience and appointment of Sri Ch.Purushotham was approved and ratified by the Hon'ble The Chief Justice as well as the Hon'ble Computer Committee. Hence, the respondents have not violated any rules or prescribed procedure and the respondents have followed the directions of the Hon'ble The Chief Justice as well as the Hon'ble Computer Committee and more so in selecting Sri Ch. Purushotham is not on any extraneous consideration or personal interest of the respondents."

Meaning thereby, the respondents in the return have stated that the behaviour of the petitioner was highly unacceptable and unprofessional as on WhatsApp he has informed the learned VIII Additional District and Sessions Judge, Miryalguda, for a leave on the ground that he was suffering from dengue fever. However, in a newspaper dated 24.10.2019, he was seen on a dais addressing a public gathering of Jai Bheem Youth Society.

In the considered opinion of this Court, the action of the respondents by putting an end to the service of the petitioner only on this ground without affording an opportunity of hearing is certainly violative of principles of natural justice and fair play.

Learned counsel for the petitioner has placed reliance on a decision in V.P.Ahuja v. State of Punjab and others (2000) 3 SCC 239.

This Court has carefully gone through the said decision. It was a case of a probationer, whereas in the present case, the petitioner was appointed purely on contract basis. However, this Court is of the considered opinion that even though the petitioner was a contractual employee, as all other contractual employees are continuing in the service of the High Court and the petitioner has been removed from service alleging some misconduct, the same could not have been done without affording an opportunity of hearing to explain his conduct.

Resultantly, the impugned order is set aside. The respondents are directed to reinstate the petitioner forthwith in service. As the petitioner was a contractual employee, he will not be entitled for back wages. In the return, it has been stated that some other person has been selected as System Assistant based upon the list submitted by the National Institute for Smart Government which provides e-governance consulting services to the Central and State Government and therefore, this Court is of the opinion that there is no necessity of dislodging Sri Ch.Purushotham also, as the High Court is undergoing digitisation of the entire records and Sri Ch.Purushotham be adjusted against the existing vacancies.

With the aforesaid, the writ petition is allowed. The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.