

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WP.No.36305 of 2018**

**ORDER :**

Heard the counsel for petitioner, and the learned Special Government Pleader for Services (Home), for respondents.

**2.** With the consent of both counsel, the matter is decided at the stage of admission.

**3.** The petitioner has assailed order dt.09.07.2018 of 3<sup>rd</sup> respondent removing him from the Rolls of the Home Guards' Organization, Hyderabad City on the basis of show-cause notices dt.08.05.2018 and 14.06.2018 issued to him.

**4.** The petitioner contends that petitioner's son suffered *epilepsy* attack on 27.04.2018 and he had to take his son to Hospital daily for treatment and so could not file replies to the above show-cause notices within time; and when he gave a request letter in June, 2018 seeking condonation of the delay for filing reply to the above show-cause notices, the same was not considered; and the above impugned order was passed.

**5.** The Special Government Pleader for Services (Home), appearing for respondents, does not dispute the fact that the ill-health of petitioner's son would have disabled the petitioner from giving reply within the time specified to both show-cause notices since

petitioner's priority would be the health of his son and not the disciplinary action.

**6.** In this view of the matter, I am of the opinion that the impugned order removing petitioner from services on the pretext that he did not give reply to show-cause notices issued to him within the time specified is arbitrary, illegal and violates Article 14 of the Constitution of India.

**7.** The petitioner is granted two (02) weeks' time from the date of receipt of copy of order to file replies to the show-cause notices issued to him by 3<sup>rd</sup> respondent; and thereafter, the 3<sup>rd</sup> respondent shall pass reasoned order and communicate the same to petitioner.

**8.** Accordingly, the Writ Petition is allowed as above. No order as to costs.

**9.** As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 31.10.2018

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