

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 3rd 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 3rd respondent; and thereafter, the 3rd 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.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31.10.2018

Ndr/*