

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

W.P.Nos.11585, 12226, 13716 and 12274 of 2021

COMMON ORDER :

All the petitioners before this Court are in essence aggrieved by the action taken by the 5th respondent. The 5th respondent passed orders terminating the engagement of the petitioners on the ground that they were guilty of violation of duties.

The grievance of the learned counsel for the petitioners is that to the show cause notices that were issued, a detailed reply was given. In the reply, certain issues are raised, which amounted to a clear denial of allegations. However, learned counsel points out that in the impugned order, the 5th respondent did not consider the issues that are raised in the reply and passed the same on the basis of the alleged statement that was given by the petitioners before the Station House Officer, Ranasthalam. He submits that this is not the issue that is raised by the petitioners in their explanation. He also submits that the statement given to the Station House Officer cannot be considered as evidence and be the basis for the punishment. Lastly, relying upon the orders passed by coordinate Benches of this Court, learned counsel points out that in similar matters, when orders like the impugned order are passed, without considering the reply, the Court was pleased to set aside the

same and directed a *de novo* enquiry. Therefore, he prays for a similar order in these cases also.

Sri G.Raja Babu, learned counsel for the respondents submits that despite his best efforts, he could not file counter as the Officer concerned is down with Covid.

He however submits that there is compliance with law as a show cause was issued and the reply was considered. An examination of the facts would show that in all these cases, the issue raised is same. The respondent has relied upon a statement which was recorded by the Station House Officer. As rightly pointed out by the learned counsel for the petitioners, this is not a part of the record which is given to the petitioners and there is also a legal issue about the admissibility of such a statement. Lastly, the issue of law is fairly well settled. When a reply is given to a show cause notice denying the charges, a reasoned order has to be passed by the authority concerned. A reasoned order is an order which discusses the issues raised and then comes to a conclusion. The law on this matter need not be repeated here again. The orders that are filed by the learned counsel for the petitioner of Coordinate Benches also support this contention.

In that view of the matter and in view of the orders passed by this Court in WP.Nos.13289 and 13325 of 2020, all the four writ petitions are allowed setting aside the impugned orders as the explanation was given by the petitioners is not considered. It is made clear that this order will not preclude the respondents

from continuing with the enquiry and passing a speaking order by considering the explanation of the petitioners strictly in accordance with law. It is also made clear that the said orders can be passed on their own merits without being influenced by the fact this Court passed present orders. No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

D.V.S.S.SOMAYAJULU,J

Date :30.07.2021
KLP