

Mr. Leon Abramson, Chairman, Special Committee - (cont'd)

in the opinion of the person authorized by law to remove or dismiss such officer or employee, may interfere with the efficient discharge of his duties. In all cases of discharge or reduction or suspension for more than thirty days the appointing officer shall furnish the subordinate so discharged, reduced or suspended, and also the Commission, a copy of the order of removal and also his reasons for the same. The Commission may in all cases, and upon the written request of any subordinate removed after the termination of the probationary period shall, investigate, and if it shall find that the intent and spirit of the provisions of this Charter have been violated in the said discharge, reduction or suspension, it shall report its finding to the Mayor, and such finding so reported shall be sufficient cause for the removal by him of the officer guilty of such violation.

"Each person discharged for the purpose of reducing the force and without fault upon his part shall receive a certificate so stating and all persons so discharged shall be placed on the eligible list in the order of the length of their service and shall have preference over others on the eligible list."

In Parr vs. Severson, 189 Md. 647, the Court of Appeals said, in deciding a controversy over the discharge of a member of the Classified City Service (page 652):

"The buildings engineer is not limited in his power to discharge, except that a discharge must be on the ground of the good of the public service, and not on that of the employe's political or religious opinions or affiliations, refusal to contribute to political funds, or to render political service. And no tribunal is charged with the duty, or invested with the power to review discharges ordered by him in the exercise of his discretion for the public good. The action is within a discretion vested in him alone."

The Court further noted:

"That commission, under Section 203-C (270) and 203-D (276) of the City Charter, has power to investigate a discharge from the classified city service, and to report to the Mayor for his action upon finding that the discharge has been for any reason other than the good of the public service, on account of the employe's political or religious opinions or affiliations, refusal to contribute to any political fund, or refusing to render any political service, or otherwise."

I am of the opinion that under the above-mentioned provisions of the City Charter as construed by the Court of Appeals of Maryland, the person, in whom the power of dismissal is vested under Section 20 of the Charter, is not limited in his