APHC010558412018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3333]
(Special Original Jurisdiction)

TUESDAY,THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 26481/2018

Between:

1. POLISETTY VAMSIKRISHNA, S/O. LATE PRABHAKAR RAO, AGED ABOUT 33 YEARS, R/O. MAIN BAZAR, KULLURU VILLAGE AND POST, KALUVAYA MANDAL SPSR NELLORE, DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYATRAJ DEPARTMENT VELAGAPUDI, SECRETARIAT BUILDINGS, AMARAVATHI, GUNTUR.
2. THE DISTRICT COLLECTOR, SPSR NELLORE, SPSR NELLORE DISTRICT.
3. THE PROJECT DIRECTOR, DISTRICT WATER MANAGEMENT AGENCY, SPSR NELLORE DISTRICT.
4. THE ADDITIONAL PROJECT DIRECTOR, DISTRICT WATER MANAGEMENT AGENCY. SPSR NELLORE DISTRICT.
5. THE ASSISTANT PROJECT DIRECTOR, VENKATAGIRI CLUSTER, SPSR NELLORE DISTRICT.
6. THE MANDAL PARISHAD DEVELOPMENT OFFICER, KALUVAYA MANDAL, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the proceedings bearing Rc.No.A7/77/HR Cell/2018 dated 24.07.2018 issued by the 4th respondent on behalf of the 3rd respondent as illegal, arbitrary and violation of principals of Natural Justice and without Jurisdiction and contrary to Articles 14, 16, 19 (1) (g) and 21 of the constitution of India and consequently direct the respondents to continue the petitioner as Senior Mate under National Rural Employment scheme to and pass

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings bearing Rc.No.A7/77/HR Cell/2018 dated 24.07.2018 issued by the 4th respondent on behalf of the 3rd respondent, pending disposal of the writ petition or pass

IA NO: 2 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to implead the proposed 7th respondent as respondent .No.7 in W.P.No.26481 of 2018 as well as in 1A.No.1 of 2018 and pass

Counsel for the Petitioner:

1. P L V PRASAD

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)
2. GP FOR PANCHAYAT RAJ RURAL DEV (AP)

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the proceedings bearing Rc.No.A7/77/HR Cell/2018 dated 24.07.2018 issued by the 4th respondent on behalf of the 3rd respondent as illegal, arbitrary and violation of principals of Natural Justice and without Jurisdiction and contrary to Articles 14, 16, 19 (1) (g) and 21 of the constitution of India and consequently direct the respondents to continue the petitioner as Senior Mate under National Rural Employment scheme to and pass"

2. The petitioner is said to have been appointed as Senior Mate under Mahatma Gandhi National Rural Employment Guarantee Scheme in the year 2017 and was posted in Kulluru village, Kaluvaya mandal, SPSR Nellore district.

3. While the things stood thus, due to alleged political pressure, the 4th respondent issued the impugned proceedings dated 24.07.2018 vide RC.No.A7/77/HR Cell/2018 suspending the petitioner from discharging his duties. Aggrieved by the same, the present writ petition is filed.

4. The 3rd respondent filed a detailed counter affidavit stating that one Mr. B. Kondaiah, Kulluru Gram Panchayat Sarpanch and villagers made a complaint against the petitioner pursuant to which, the petitioner

was placed under suspension vide proceedings dated 24.07.2018. Accordingly, MPDO was appointed to conduct enquiry, who, after completion of enquiry, submitted a report on 08.07.2019, basing on which, the 3rd respondent revoked the suspension of the petitioner vide proceedings dated 16.10.2019. Hence, requested to dismiss the writ petition.

5. Heard Sri. P.L.V. Prasad, learned counsel for the petitioner and learned Assistant Government Pleader for Panchayat Raj and Rural Development.

6. A perusal of the material available on record would go to show that, though the petitioner was placed under suspension vide the impugned proceedings, subsequently, based on a report submitted by the concerned MPDO after conducting enquiry, the petitioner's suspension was revoked vide proceedings dated 16.10.2019. In view of the same, this Court is of the opinion that no further cause survives in the present writ petition.

7. Accordingly, this writ petition is closed. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

JUSTICE V.SUJATHA

16.06.2026
Gss