

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.18163 of 2015

ORDER:

Heard learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj & Rural Development appearing for respondents 1 to 3 and Sri M.S.Ramchandra Murthy, learned counsel appearing for respondents 4 and 5.

This writ petition is filed seeking to declare the action of the 4th respondent in passing the order dated 28.4.2015, whereunder the petitioner was directed to pay Rs.65,347/- towards misappropriation of funds, as arbitrary and illegal and consequently to direct the respondents to reinstate the petitioner into service.

The petitioner was appointed as Field Assistant in Pallantla Village, Devarapalli Mandal, West Godavari District, under Mahatma Gandhi National Rural Employment Guarantee Scheme on 21.01.2008. In the social audit held in March, 2014, it was found that the petitioner misappropriated an amount of Rs.21,170/- relating to the scheme.

Thereafter, the 5th respondent *vide* proceedings dated 11.3.2014 suspended the petitioner. On 27.03.2014 show cause notice was issued to the petitioner alleging certain irregularities. Again on 22.1.2015, the 4th respondent passed final orders removing him from service and directed the petitioner to deposit the amount of Rs.21,170/-. Aggrieved by the same, the petitioner filed W.P.No.2565 of 2015 before this Court and the same was dismissed, reserving liberty to the petitioner to file appeal before the appellate authority and observing that in the event of payment of alleged amount, no action should be initiated against him. Accordingly, the petitioner paid the amount and filed appeal before the appellate authority. While so, the 4th respondent again issued the impugned memo dated 28.4.2015 directing the petitioner to pay another sum of Rs.65,347/-. Challenging the same, the present writ petition has been preferred.

Learned counsel appearing for the petitioner submits that in the earlier social audit itself, the entire records have been examined and it was concluded that an amount of Rs.21,170/- has to be

paid by the petitioner. He further submits that at the instance of the local MLA again the impugned memo was issued only to harass the petitioner and the amount was recovered forcibly from the petitioner.

On the other hand, learned Standing Counsel appearing for the respondents submitted that both the amounts relate to different enquiries, while the earlier amount relates to social audit, the amount mentioned in the impugned memo relates to subsequent enquiry and therefore, no order can be passed staying recovery.

Considering the submissions of the learned counsel on either side, the petitioner is directed to prefer an appeal against the impugned memo to the 3rd respondent-District Collector, who, in turn, is directed to dispose of the earlier appeal and also the proposed appeal to be filed by the petitioner, jointly by a common order. It is further directed that till the disposal of the appeals by the 3rd respondent, there shall not be any recovery of amount mentioned in the impugned memo from the petitioner.

Writ petition is disposed of accordingly at the

stage of admission. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if any, shall stand closed.

JUSTICE R.KANTHA RAO,J

23rd June, 2015
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