

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.2378 OF 2015

ORDER

Heard learned counsel for the petitioner as well as

Sri M.S.R.Chandra Murthy, who accepted notice on behalf of respondents 3 and 4, learned Government Pleader for Panchayat Raj and Rural Development appearing on behalf of respondents 1 and 2 and Sri G.Seshadri, learned Standing Counsel appearing on behalf of respondents 5 and 6.

The unofficial respondents 5 and 6 for the present are only formal parties. Through final orders dated 1.9.2014 passed by the Project Director, 4th respondent herein, the services of the petitioner as Field Assistant of National Rural Employment Guarantee Scheme, have been terminated besides an amount of Rs.9,825/- was sought to be recovered duly imposing the penalty of Rs.1,000/-. It will be appropriate to notice that a show cause notice has been issued to the writ petitioner somewhere in the month of June, 2009 and after five years, the present impugned order is passed without conducting any enquiry in the presence of the writ petitioner.

Not conducting the enquiry in view of the fact that the petitioner has disputed the allegations levelled against him becomes fatal to the exercise indulged by the Project Director. It would have been a different matter if the petitioner has not denied or disputed the allegations levelled against him. Since he has denied and disputed those allegations, the order passed on 1.9.2014 is set aside with a direction that the respondents shall conduct an enquiry in the presence of the petitioner following the due procedure and by providing him a fair and reasonable opportunity to defend himself.

With this order, the writ petition stands disposed of duly setting aside the order dated 1.9.2014.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

6th February, 2015
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