

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WP No.25648 of 2015

Between:

S. Madhava Rao

...Petitioner

And:

The State of Andhra Pradesh, rep. by its
Principal Secretary, Panchayat Raj & Rural Development,
Hyderabad & others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE R. KANTHA RAO

1. Whether Reporters of Local newspapers may Yes/No
 be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
 be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
 fair copy of the Judgment?

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.25648 of 2015

ORDER:

Heard Sri K. Rathangapani Reddy, learned counsel appearing
for the petitioner, learned Government Pleader for Panchayat Raj and
Sri MSR Chandra Murthy, learned special counsel for respondents 3
and 5.

2. According to the petitioner, he was appointed as Field Assistant of Lakshmipuram Village, Kaligiri Mandal, SPSR Nellore District, under MGNREG Scheme on 20.05.2007. He filed the present writ petition questioning the impugned proceedings dated 22.05.2015 issued by the 3rd respondent removing him from the post of Field Assistant, without considering the explanation submitted by him in response to the show cause notice issued to him. The allegation against the petitioner is that he distributed mango plants to two farmers, even though they are not marginal farmers. He submitted his explanation stating that as per the certificate issued by the Tahsildar, the two individuals are small farmers and basing on the said certificate, he allowed mango plantation in the lands of the said two farmers. An enquiry was held against the petitioner and in the said enquiry, it was found that one of the farmers was really small farmer and therefore, the Charge No.1 was dropped. As regards to Charge No.2, it is submitted by the learned counsel appearing for the petitioner that as per the certificate issued by the Tahsildar in the year 2012, the said farmer is also a small farmer and basing on that, he allowed mango plantation in the land of the said farmer also. Further in the Gram Sabha, the said farmer himself stated that he purchased some land in the year 2009 and the remaining land in the years 2013-14. If that is so, according to the learned counsel, the Tahsildar, Kaligiri Mandal, ought not to have issued the certificate in the year 2012 showing lesser land, for which the petitioner cannot be punished.

3. In any event, since the remedy by way of appeal is available to the petitioner, this court is not inclined to go into merits of the case. Therefore, the petitioner is directed to prefer an appeal to the 2nd respondent and on filing of such an appeal by the petitioner, the 2nd respondent is directed to entertain the appeal, notwithstanding the delay if any in filing the said appeal, and dispose of the same taking into account the afore stated contentions of the petitioner, in

accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.
No order as to costs.

R. KANTHA RAO, J

Date: 14.08.2015
Note: Furnish CC by 17.08.2015
(BO)
BSS

HON'BLE SRI JUSTICE R. KANTHA RAO

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Date: 14.08.2015

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