

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.36288 of 2015

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DATED : 09.11.2015

Between :

T.Rama Rao S/o.Desaih,
Aged 35 yrs, Occu : Field Assistant,
NREGS, Perendsam Panchayat,
KVB Puram Chittoor District,
R/o.Perendsam Village, Chittoor District.

.. Petitioner

and

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Rural Development Department,
Secretariat, Hyderabad & 3 others.

.. Respondents

This court made the following :

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ORDER :

Petitioner was appointed as Field Assistant under Mahatma Gandhi National Rural Employment Generation Scheme. On the allegation of misuse of public funds, disciplinary proceedings were initiated which culminated in the order passed by the Project Director, District Water Management Agency (3rd respondent) on 28.10.2015. The impugned order is having two components. One is regarding termination of service of the petitioner and the second is recovery of the alleged amounts misappropriated by the petitioner.

2. Petitioner was appointed in accordance with the policy of the Government as Field Assistant for implementation of the employment generation scheme and his appointment is governed by the said scheme. The Society for Rural Development Services Disciplinary Rules, 2012 regulate inter alia disciplinary action and provides for appellate authority against the decision of the original authority. Thus, petitioner has effective and efficacious remedy in the form of appeal and without availing the remedy of appeal, this writ petition is filed.

3. However, in so far as the recovery aspect is concerned, this Court rendered judgment in W.P.No.22616 of 2010 dated 05.10.2010 directing to hold separate enquiry with reference to the alleged amounts of misappropriation and its recovery. This Judgment is binding on the respondents.

4. Learned Standing counsel fairly submits that the respondents shall follow the procedure as required in accordance with the principle laid down by this Court with reference to the recovery of the amount quantified against the petitioner.

5. Having regard to the said statement, the writ petition is partly allowed to the extent of recovery of the amounts quantified in the impugned proceedings and giving liberty to the respondent-Project Director, to conduct enquiry as directed by this Court in W.P.No.22616 of 2010 with reference to the recovery of the amount quantified on the allegation of misappropriation/irregularities by the petitioner.

6. With reference to removal from service, since petitioner has an effective remedy by way of filing of appeal to the District Collector, the petitioner has to avail the said remedy within the time stipulated. There shall be no order as to costs.

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

P.NAVEEN RAO,J

09th November, 2015

Note : Issue C.C. by 12.11.2015

B/o.

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