

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.29409 of 2015

ORDER:

Heard Sri Srinivas Ambati, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj, Sri MSR Chandramurthy, learned special counsel for respondents 3 & 4 and Sri G. Seshadri, learned standing counsel for the 5th respondent.

2. The petitioner was appointed as a Field Assistant of Borigivalasa Village, Narasannapeta, Srikakulam District in the year 2007. She was initially suspended on 20.04.2015 on the allegation that she collected Rs.10/- from each of the workers and also encroached upon the tank bund of the village and using the same for cultivation. Challenging the suspension order, the petitioner filed WP No.25512 of 2015. This court by order dated 13.08.2015 disposed of the said writ petition, directing the Project Director to complete the enquiry and pass final orders within a period of four weeks. On coming know of the fact that the petitioner approached this court, without conducting any enquiry, the Project Director passed impugned order dated 13.08.2015 removing the petitioner from service.

3. Learned counsel appearing for the petitioner submits that in fact, no enquiry was conducted and the order was passed on the ground that the explanation submitted by the petitioner is not satisfactory. Therefore, he seeks to set aside the order. On the other hand, learned special counsel for the respondents would submit that the order is an appealable order and therefore, the petitioner has to avail appeal remedy instead of filing the present writ petition and hence, the writ petition is not maintainable.

4. I have perused the impugned order dated 13.08.2015 passed by the Project Director. The order does not show that any witnesses

were examined in the course of enquiry. Further the order also does not contain any findings with regard to charges levelled against the petitioner. Therefore, I am in acceptance with the contention urged by the learned counsel appearing for the petitioner that so called enquiry is in violation of principles of natural justice. Consequently, the impugned order dated 13.08.2015 of the Project Director-4th respondent removing the petitioner from service is set aside and the respondents are directed to reinstate the petitioner forthwith. The matter is remitted back to the 4th respondent-Project Director to conduct enquiry afresh after affording opportunity of hearing to the petitioner to submit her version and also to examine witnesses, if any on her behalf, and pass appropriate orders thereon, 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 allowed. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 10.09.2015
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