

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.32760 of 2015

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ORDER:

Heard Sri N. Chandra Sekhar Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj and Sri MSR Chandramurthy, learned special counsel for the 3rd respondent.

2 .The petitioner was appointed as Field Assistant at Burakayalakota Panchayat, Molakalacheruvu Mandal, Chittoor District under MGNREGS. While so, basing on the 2nd social audit conducted between 23.10.2009 to 04.11.2009, a show cause notice dated 04.12.2009 was issued to the petitioner by the 3rd respondent seeking explanation for the alleged charge that an amount of Rs.4,109/- was misappropriated. The petitioner submitted his explanation and thereafter, an enquiry was held and the petitioner was removed from service vide proceedings dated 23.09.2014. Learned counsel appearing for the petitioner submits that the 3rd respondent, without conducting proper enquiry and without there being any evidence justifying the termination, terminated the petitioner and also disqualified him from further employment under the Society in any cadre, besides passing an order for recovery of an amount of Rs.4,109/-.

3. Though an alternative efficacious remedy by way of appeal is available to the petitioner, he has not availed the said remedy. Therefore, the petitioner is directed to file an appeal within fifteen (15) days from the date of this order to the Commissioner, Panchayat Raj & Rural Development-Appellate Authority and in turn, the Appellate Authority is directed to entertain the appeal notwithstanding any delay and dispose of the same in accordance with law, within a period of eight (8) weeks from the date of its presentation, after giving opportunity of hearing to the petitioner.

4. The writ petition is accordingly disposed of at the state of admission. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 08.10.2015

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