

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.8494 OF 2015

ORDER:

The petitioner herein who is a technical assistant employed with the National Rural Employment Guarantee Scheme calls in question the validity of the proceedings dated 17.03.2015 by the Assistant Project Director sent to the Mandal Parishad Development Officer, MPP Birkur, Nizamabad District. Through the impugned communication dated 17.03.2015 the Assistant Project Director has indicated that Civil and Criminal action be initiated for causing misappropriation of approximately Rs.18,81,000/- of public funds. Through this communication the details of the assets secured by the petitioner are also sought to be ascertained.

It is contended by Sri D.L.Pandu, learned counsel for the petitioner, that there is no misappropriation committed by the petitioner and further the petitioner is only a technical assistant, whereas there was an engineer and others who are responsible for this misappropriation. That is the matter which the investigation will disclose.

If the petitioner is not guilty of misappropriation of public funds, no way the prosecution would be launched against him. If on the other hand the petitioner either individually or acting in the company of others is guilty of misappropriation of public funds, he is liable to be proceeded against for the same. Initiation of criminal action is only in accordance with law. So far as the Civil liability is concerned, if the petitioner misappropriated any money the respondents are at perfect justification to seek to recover the same. First of all, the civil liability will have to be fixed and then alone the recovery mechanism has to be operated. Therefore, during the course of fixation of civil liability, the petitioner will have a fair and adequate opportunity to defend himself. In so far as ascertainment of details of the assets of the petitioner is concerned, obviously no harm or prejudice will be caused to the petitioner if the respondents ascertain all his movable and immovable assets, that perhaps will help them to know as to which of them, in case of necessity can be liquidated in accordance with law for purpose of satisfying any liability fixed on the petitioner, but not otherwise.

Therefore, I do not find any justification to entertain this writ petition. Accordingly, it is

dismissed at the admission stage. No order as to costs.

All the miscellaneous petitions pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

30.03.2015

Ksp