

**HON'BLE SRI JUSTICE R. KANTHA RAO**

**Writ Petition No.35068 of 2015**

**ORDER:**

This writ petition is filed seeking writ of *Mandamus* declaring the final orders dated 26.11.2014 passed by the 3<sup>rd</sup> respondent terminating the petitioner from the duties of Field Assistant without issuing any prior notice and without affording any opportunity, as illegal and arbitrary.

2. Heard Sri P.R. Balarami Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj-R.1 and Sri MSR Chandra Murthy, learned special counsel for Respondents 2 & 3.

3. The petitioner was appointed as Field Assistant of Mandhalapalli Grampanchayat, Gudibanda Mandal, Anantapuram District in the year 2007. Basing on the social audit conducted on 07.07.2012, a charge was framed against the petitioner alleging that the particulars of 361 families were not mentioned in the job cards since 2010. It is submitted that in the impugned proceedings, the 3<sup>rd</sup> respondent stated that though a notice was issued to the petitioner on 21.08.2012 calling for his explanation and to attend the personal hearing on 30.08.2012, the petitioner failed to attend the hearing. According to the petitioner, no such notice was issued to him. He filed the present writ petition questioning the impugned proceedings.

4. Learned counsel appearing for the petitioner submits that even according to the respondents, the alleged notice was issued to the petitioner on 21.08.2012 calling for his explanation, but the impugned orders were passed on 26.11.2014 i.e., after lapse of two years. If really the alleged notice was issued in the year 2012, the

respondents ought to have taken immediate appropriate action, but they kept quite for a period of more than two years.

5. However, against the impugned order, the petitioner preferred an appeal before the District Collector-2<sup>nd</sup> respondent on 22.12.2014 and the same is pending. In the circumstances, without going into the merits of the case, the 2<sup>nd</sup> respondent-District Collector is directed to hear and dispose of the appeal filed by the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. No order as to costs.

***R. KANTHA RAO, J***

Date: 28.10.2015  
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