

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.31899 of 2015

ORDER:

Heard Sri K. Srinivas, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj, Sri MSR Chandra Murthy, learned special counsel for the 3rd respondent and Sri G.Seshadri, learned standing counsel for the 4th respondent.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the 3rd respondent in terminating the petitioner by proceedings dated 11.08.2014 without giving any opportunity, as illegal and arbitrary.

3. The petitioner was appointed as Field Assistant at Malayanur Gram Panchayat, Kundurpi Mandal, Ananthapuram District, in the year 2006. While so, on certain allegations, a show cause notice dated 08.11.2012 was issued to the petitioner and after affording opportunity of personal hearing, he was removed from service vide impugned order dated 11.08.2014 of the 3rd respondent, after recording a finding that the petitioner resorted to misappropriation of Rs.8,265/- by preparing fake muster rolls.

4. Learned counsel appearing for the petitioner submits that the finding recorded against the petitioner is not supported by any evidence and therefore, it is liable to be set aside. On the other hand, learned special counsel would submit that an efficacious alternative remedy by way of appeal is available to the petitioner.

5. Having regard to the submissions made on either side, the petitioner is directed to file an appeal before the Appellate Authority within fifteen days from the date of receipt of a copy of this order and on filing such an appeal, the Appellate Authority is directed to dispose of the said appeal, in accordance with law, within a period of eight (8) weeks, thereafter.

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

R. KANTHA RAO, J

Date: 01.10.2015

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