

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37340 OF 2015

ORDER:

Heard.

The petitioner is a Field Assistant. On the allegation of misappropriation of funds, orders were passed by the

3rd respondent on 19.06.2015, removing the petitioner from service. While passing the said orders, the petitioner was also advised to file an appeal before the appellate authority, the Commissioner of Panchayat Raj and Rural Development, Hyderabad. However, the petitioner did not choose to file appeal and instituted this Writ Petition assailing the said orders.

As per the Circular Instructions issued by the Government governing the Service Conditions of Field Assistants, an appeal is provided to the District Collector against the decision of the Project Director. Subsequently, there was a change in the appeal provision, and for some period, the Commissioner was designated as an appellate authority. Now, the Government reverted the appeal provision to the District Collector. It cannot be said that the appeal provided by the Circular Instructions issued by the Government governing the Service Conditions of Field Assistants, is not an efficacious alternative remedy. The petitioner has not averred in the affidavit as to why he did not choose to prefer appeal and directly filed the present Writ Petition. Thus, without availing the remedy of appeal, as per the Circular Instructions issued by the Government governing the Service Conditions of Field Assistants, the Writ Petition is not maintainable.

Hence, the Writ Petition is dismissed leaving it open to the petitioner to avail the remedy of appeal to the District Collector. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

25.11.2015

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