

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.29633 of 2015

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ORDER:

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

2. The petitioner was appointed as Field Assistant of Morasulapalli Village, Chilamathuru Mandal of Ananthapuram District on 10.07.2007. Certain charges were levelled against the petitioner and subsequently, he was removed from service by order dated 20.07.2014.

3. Learned counsel appearing for the petitioner submits that in fact, no show cause notice was issued to the petitioner and the order of removal was passed without conducting any enquiry. On the other hand, learned special counsel for the respondents would submit that a show cause notice was issued levelling certain charges, but the petitioner did not respond and thereafter an enquiry was conducted by examining the witnesses and the order impugned was passed.

4. In the circumstances, this court is of the view that since the matter requires appreciation of evidence, proper course open to the petitioner is to challenge the order in an appeal before the 2nd respondent. Therefore, the petitioner is directed to file an appeal before the 2nd respondent and on filing such an appeal by the petitioner, the 2nd respondent is directed to dispose of the same, in accordance with law, after affording opportunity of hearing to the petitioner, within a period of eight (8) weeks from the date of its presentation. It is further directed that the respondents shall not fill-up the post held by the petitioner till the disposal of the appeal.

5. The writ petition is accordingly disposed of at the stage of admission. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J

Date: 11.09.2015
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