

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No. 290 of 2015

PC: (per the Hon'ble Sri Justice Dilip B.Bhosale)

Heard learned counsel for the parties.

This writ appeal is directed against an interlocutory order, dated 03.03.2015, passed on WPMP No.4856 of 2015 in W.P.No.3655 of 2015, filed by the appellant. By the impugned order, learned Judge has rejected the prayer for suspension of the proceedings, dated 05.01.2015. On 05.01.2015, the Project Director informed the MPDO (Programme Officer), Yeldurthy Mandal, Medak District to replace the appellant as a Senior Mate of Koppulapally Gram Panchayat immediately as his performance was not satisfactory. The relevant observations made by learned Judge in the impugned order read thus:

“Sri Venkat Raju Goud, learned counsel for the petitioner would urge that allegations have been trumped up against the petitioner and he has been sought to be made a victim of circumstances as well as political fortunes. Only for extraneous reasons and considerations, allegations have been thrown against him. To buttress this contention, the learned counsel for the petitioner has placed a strong reliance upon the report said to have been submitted by the Assistant Project Director, Medak on 02.06.2014 to the Project Director, District Water Management Agency, Medak at Sangareddy, a copy of which is placed at page 33 of the Writ petition

paper book. When I have perused the said report, it has emerged that there seems to be some truth behind the allegation levelled against the petitioner that he has been employing vulgar language against the wage-seekers whenever they seek disbursal of wages. This apart, he has deposited wages in the account of ten others on the pretext that the wage-seekers are not readily available and hence, deposited the same in the name of some others. Perhaps, if this has gone unchecked, the original wage-seekers would not have got their due. Therefore, there appears to be some material which prompted the Project Director to call for replacement of the petitioner.

Therefore, in my opinion, the balance of convenience does not lie in favour of the petitioner for suspending the operation of the proceedings, dated 05.01.2015.”

We have also perused the allegations against the appellant as reflected in the report, dated 02.06.2014, submitted by the Assistant Project Director, DWMA, Medak District. Having regard to the allegations made against him and the observations made by learned Judge, we are not inclined to interfere with the impugned order. If the interim order, as prayed for, is granted, perhaps that would amount to allowing the writ petition. Hence, the writ appeal is dismissed.

Before we part, we observe that one Mr.M.Srinivas Rao, S/o.Gajjalaiah, Assistant Director of A.P. Water Resources Department was directed to file an affidavit and to place material on record in support of his observations in the report, dated 02.06.2014 and in the affidavit. We remember, on last occasion, Mr.M.Srinivas Rao was present in the Court and we specifically told him to file affidavit in respect of the allegations against the appellant regarding payment of wages in the name

of some other/fictitious persons. He conveniently avoided to state anything in the affidavit about the said allegation and has once again justified the appellant's conduct stating about the other allegations to be false and motivated. Some Officer, superior to Mr.M.Srinivas Rao, Assistant Director, needs to look into the entire matter so as to find out whether the statements made by Mr.Srinivas Rao on affidavit are true and correct, and if it is found that he is trying to protect/cover the appellant, an appropriate action may be initiated against him.

Learned counsel for the respondents is directed to communicate this order to the Project Director within a period of two weeks from today. Registry is also directed to communicate this order to respondent Nos.1 and 3 within a period of two weeks from today.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

**A.RAMALINGESWARA
RAO,J**

Dt:20.04.2015
kdl

