

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.35032 of 2015

ORDER:

This writ petition is filed seeking writ of *Mandamus* declaring the final orders dated 26.08.2014 passed by the 3rd 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 Melavoy Grampanchayat, Madakasira Mandal, Anantapuram District in the year 2006. Certain irregularities were noticed against the petitioner in the social audit and he was granted time of 15 days to deposit the amount, which was allegedly found to have been misappropriated by him. The petitioner accordingly deposited the said amount. However, thereafter, an enquiry was held by the Project Director and he passed final orders on 26.08.2014 terminating the petitioner from the services. The said order is questioned in the present writ petition.

4. Learned counsel appearing for the petitioner submits that initially no enquiry was contemplated and the petitioner was only asked to deposit the alleged misappropriated amount and accordingly he deposited. Therefore, according to the learned counsel, conducting of an enquiry by the Project Director against the petitioner is not in accordance with the Rules. On the other hand, learned special counsel for the respondents would submit that even though the petitioner deposited the amount as directed by the authorities, still the authorities can initiate action against the petitioner on the charges of misappropriation.

5. However, against the removal order, the petitioner preferred an appeal before the District Collector-2nd respondent and the same is pending. In the circumstances, the 2nd 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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HON'BLE SRI JUSTICE R. KANTHA RAO

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