

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**MONDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.41642 of 2015

Between:

Bommena Bhagya,
D/o. Nallagondaiah,
Age: 22 years, Occ: Field Asst.,
Mahatma Gandhi National Rural Employment
Guarantee Scheme, Bommareddypally Village,
Dharmaram Mandal, Karimnagar District,
R/o. H.No.1-35, Bommareddypally Village,
Dharmaram Mandal, Karimnagar District,
Telangana State.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Panchayat Raj (Rural Development), Secretariat,
Hyderabad & 5 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is a Field Assistant. On 31.12.2014, he was issued show cause notice calling upon the explanation on the allegations levelled in the said notice. He was also placed under suspension, pending enquiry. This show cause notice resulted in imposing punishment of penalty of Rs.2,000/- by proceedings, dated 27.01.2015. On 09.02.2015, there appears to be a report on the functioning of the petitioner. Thereafter, by proceedings, dated 10.04.2015, once again the petitioner was placed under suspension on the allegations made therein, which allegations are similar to the allegations in the proceedings, dated 31.12.2014. It appears there was no further action on the show cause notice, dated 10.04.2015. Again on 16.11.2015, a fresh show cause notice was issued and simultaneously the petitioner was also placed under suspension. The petitioner was called upon to submit explanation on the allegations made in the said notice. These allegations are entirely different from the earlier allegations. It appears that there was no further action so far in pursuant to the said show cause notice. While so, on 24.11.2015, the present impugned order is passed removing the petitioner from service. Challenging the said order, this writ petition is filed.

2. Learned counsel for the petitioner contends that the allegations on which the order is passed were not communicated to the petitioner and no opportunity of hearing was given to her before

passing the order of removal. Such action of the Project Director, District Water Management Agency, Karimnagar District (3rd respondent) is illegal and contrary to the Field Assistants Human Resources Policy.

3. Learned Special Counsel, on instructions, fairly submits that the allegations on which the impugned order is passed were not the subject matter of earlier notices and that no show cause notice was issued to the petitioner calling upon her explanation.

4. Admittedly, the proceedings impugned in the writ petition are not preceded by enquiry and granting of due opportunity as required by Clause 13(c)(6) of the Field Assistants Human Resources Policy. According to this policy, whenever disciplinary action is required to be taken against the Field Assistant, procedure as envisaged therein is required to be followed. Admittedly, no such procedure is followed though the earlier proceedings, as referred to above, are entirely on different issue and the allegations which are the basis for passing the order of termination were not the same allegations in the earlier proceedings. In fact, the notice, dated 31.12.2014, resulted in imposing the penalty of Rs.2,000/- and that issue has become final.

5. In view of the same, the impugned order, dated 24.11.2015, is not sustainable and is liable to be set aside. Accordingly, the impugned order, dated 24.11.2015, is set aside and the Writ Petition is allowed. However, since the impugned order is set aside on the ground of lack of opportunity to the petitioner on the allegations levelled in the said order, it is open to the competent authority to take appropriate course of action, as warranted by law, on the said allegations. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th December, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.41642 of 2015

Date: 28th December, 2015

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