

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

-

WRIT PETITION No.37641 of 2015

-

DATED : 19.11.2015

Between :

Adinarayana S/o.Nidimaamidappa,
Aged about 41yrs, Occu : Field Assistant (terminated)
Nidimaamidi Gram Panchayat, Puttaparthi Mandal,
Anantapur District.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Secretariat, Hyderabad & 4 others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
WRIT PETITION No.37641 of 2015

-
ORDER :

Petitioner is a Field Assistant and on the allegation of mis-appropriation, disciplinary proceedings were initiated resulting in removal from service vide proceedings dated 02.08.2014 by the Project Director, District Water Management Agency, Anantapur (4th respondent). It appears that aggrieved by the said order, the petitioner filed appeal before the District Collector, Anantapur (3rd respondent) and the said appeal is pending. The District Collector asked the Project Director to conduct enquiry and submit a report to him to consider the appeal. Accordingly, a memo was issued by the 4th respondent on 11.12.2014 directing the petitioner to appear before him. But so far no orders are passed in appeal filed by the petitioner. Hence, this writ petition.

2. As seen from the correspondence dated 11.12.2014, appeal was filed and the same is yet to be disposed of. However, as seen from the same correspondence it appears that the 3rd respondent abdicated his power to decide the appeal and asked the Project Director to conduct enquiry and to submit a report to him to pass orders in appeal. This is not a valid procedure. When the District Collector, is an appellate authority, he has to consider the appeal on his own merits independently and he cannot ask to conduct enquiry by the same authority on whose decision appeal is filed.

3. Having regard to the same, the writ petition is disposed of directing the District Collector, Anantapur, Anantapur District (3rd respondent) to consider the appeal filed by the petitioner against the order of removal from service dated 02.08.2014 independently without calling for report from the 4th respondent. Such exercise shall be completed and orders shall be passed within a period of eight (8) weeks from the date of receipt of copy of this order and communicate the same to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

19th November, 2015
Rds

P.NAVEEN RAO,J