

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.19598 of 2015

Date: 02-7-2015

Between

M.Rama Rao

... Petitioner

and

The State of A.P.,
Rep. by its Prl. Secretary,
Rural Dept., Secretariat,
Hyderabad;
and 3 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.19598 of 2015

Order:

Heard Smt. I.K.Annapurna, learned counsel appearing for the petitioner and Sri M.S.R. Chandra Murthy, learned Standing Counsel for the 4th respondent-Project Director.

2. The petitioner was working as Field Assistant on temporary basis in the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNRES), Ravipadu Gram Panchayat, Vinjamur Mandal, SPSR Nellore district. A charge memo was issued to him levelling 12 charges alleging that he did not pay the wages to the workers.

The petitioner denied the charges. But, the petitioner was issued suspension orders and Show Cause Notice dated 03-3-2015. Against the said suspension order, on the same day, he submitted an explanation basing on which, the 3rd respondent-MPDO, who is the competent authority, has conducted an enquiry and submitted a report to the 4th respondent-Project Director who issued the impugned proceedings dated 15-5-2015 removing the petitioner from service on the ground that he committed certain irregularities in collecting amount/wages from the coolies. Against the said order, the present writ petition is filed.

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3. The learned counsel appearing for the petitioner contends that the 12 job holders/daily wage workers made a submission before the MPDO to the effect that when the social audit team examined them, they stated that they received wages properly, but the audit team obtained signatures on the blank papers. In any event, considering the report submitted by the social audit team, the services of the petitioner were terminated. Since the termination order is appealable, this Court is of the view that a direction can be issued to the petitioner to prefer an appeal to the 2nd respondent, who is the Appellate Authority.

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4. Since an effective alternative remedy is available to the petitioner, the petitioner is directed to prefer an appeal to the 2nd respondent and the 2nd respondent shall entertain the appeal notwithstanding any delay occasioned in filing the appeal as the petitioner had chosen to file the present writ

petition. The 2nd respondent is directed to hear and dispose of the appeal preferred by the petitioner within a period of 8 (eight) weeks from the date of filing of the appeal, taking into consideration the enquiry report in the present case. The writ petition is disposed of accordingly. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

02nd July, 2015.
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