

HON'BLE SRI JUSTICE R.KANTHA RAO
W.P.No.25993 OF 2015

ORDER

This writ petition is filed seeking to declare the proceedings dated 02.08.2014 of the 3rd respondent in terminating the petitioner from duties as Field Assistant, Mukundapuram Gram Panchayat, Garladinne Mandal, Anantapuram District, as arbitrary and illegal.

The petitioner was appointed as Field Assistant, Mukundapuram Gram Panchayat, Garladinne Mandal, Anantapuram District. Based on the report of social audit dated 26.03.2009, an allegation was made against the petitioner that he misappropriated an amount of Rs.20,194/- by showing the names of binami workers. A show cause notice dated 18.02.2012 was issued to the petitioner, for which, he submitted his explanation and personal hearing was conducted on 27.02.2012. Ultimately, the petitioner was removed from service by the impugned order dated 02.08.2014. The said order was challenged in the present writ petition.

Learned counsel appearing for the petitioner submits that the version of the petitioner in the explanation was not adverted to by the Enquiring Authority and the impugned order was passed without

following the principles of natural justice.

Since the matter involves adjudication on the basis of evidence adduced by both the parties, I am not inclined to go into the merits of the case.

Under these circumstances, the petitioner is directed to prefer an appeal to the Commissioner, Appellate Authority, State of Andhra Pradesh and after filing the appeal, the Commissioner, is directed to entertain the same notwithstanding any delay in filing it, consider the contentions urged by the petitioner in his explanation, allow him to adduce evidence, if any, on his behalf and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE R.KANTHA RAO

18th August, 2015

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