

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH

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W.P.NO. 22796 OF 2015

Between:

H. Bala Thimmaiah

... Petitioner

And

State of Andhra Pradesh, represented by its Principal Secretary,
Panchayat Raj & Rural Development Department and three others

... Respondents

DATE OF ORDER PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE R. KANTHA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION NO. 22796 OF 2015

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ORDER:

This Writ Petition has been filed for issuance of writ of Mandamus declaring the action of the respondents more particularly the 3rd respondent in issuing the proceedings vide Rc.No. 241/DVC/SA/2014 and in not allowing the petitioner to his duties and also in not paying the salary/honorarium to the petitioner from May 2014 as illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the proceedings and direct the respondents to pay the salary/honorarium to the petitioner.

Heard learned counsel appearing for petitioner, learned Government Pleader for Panchayat Raj and Rural Development for respondents 1 & 3, Government Pleader for Revenue for respondent No. 2 and learned Standing Counsel for Gram Panchayat for respondent No. 4.

Counsel appearing for the petitioner submitted that the petitioner has been appointed as a Fixed Tenure

Employee (FTE) by the 3rd respondent herein on contract basis for the post of Field Assistant. While so, respondents 3 and 4 though allowing the petitioner to do service but did not pay the honorarium from 2014 onwards. It is submitted that all of a sudden the 3rd respondent issued a charge memo dated 11.2.2015 alleging that disciplinary proceedings have been initiated against the petitioner basing on the inspection/enquiry conducted during 21.11.2014 to 6.12.2014 by the Social Audit Team, wherein, it was alleged that he has committed misappropriation of public funds coupled with deficiency in the services. It is also submitted that the 3rd respondent issued another notice dated 13.3.2015 calling upon the petitioner to appear in person. So, the petitioner appeared in person before the 3rd respondent and submitted a detailed explanation dated 23.3.2015 stating that he has not committed any illegality or irregularity, but the same is still pending consideration and no final orders have been passed. Hence, the present Writ Petition.

After hearing both sides and also in view of the above facts and circumstances of the case, this Writ Petition is disposed of at the stage of admission directing the respondents to continue the petitioner in service till passing of final orders and pay salary, if any became due, pending final orders, pursuant to the Charge Memo dated

11.2.2015 issued by the third respondent. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

R. KANTHA RAO, J

Date: 31.07.2015
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