

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35674 of 2015

ORDER:

1. The petitioner was appointed as a Field Assistant under Mahatma Gandhi National Rural Employment Guarantee Scheme for Digavalli Panchayat, Nuzvid Mandal, Krishna District, in the year 2009. While so, the 4th respondent issued orders on 07.07.2015 suspending him from service and called for an explanation on the allegations levelled against him. The petitioner submitted his explanation. Pursuant to the explanation, the 4th respondent directed the 5th respondent, by proceedings dated 24.07.2015, to conduct a detailed enquiry and submit a report. The petitioner states that without conducting any enquiry, by the impugned proceedings dated 09.09.2015, his services were terminated. He received the orders of termination only on 24.09.2015. Thereafter, he preferred an appeal to the Commissioner of Panchayat Raj and Rural Development, but till date no orders were passed. The present writ petition is filed challenging the proceedings of the 4th respondent dated 09.09.2015.

2. The 4th respondent filed a counter-affidavit admitting the appointment of the petitioner as Field Assistant in the year 2009 for a period of one year. It was stated that since the appointment is purely on contract basis, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India. It was further stated that when the 3rd respondent conducted Video Conference on 06.07.2015 on implementation of the scheme in the District, the performance of the petitioner was reviewed and it was noticed that the petitioner was not providing any works to the wage seekers during the months of May and June 2015 as per the Web Report. The 3rd respondent accordingly instructed the 4th respondent to take action against the petitioner. Accordingly, the petitioner was placed under suspension and an enquiry was ordered. In the enquiry, the petitioner, villagers, wage seekers and

people representatives attended. Based on the enquiry, a report was submitted and the petitioner submitted his explanation on 04.09.2015. After considering the same only, an order was passed on 09.09.2015 terminating the services of the petitioner.

3. A perusal of the impugned order shows that the explanation submitted by the petitioner on 04.09.2015 was not considered while passing the impugned order on 09.09.2015. Though the petitioner stated that an appeal was preferred against the impugned order, the same is not available on record.

4. In the circumstances, the impugned order dated 09.09.2015 is set aside and the matter is remanded to the 4th respondent for consideration of the case of the petitioner afresh in the light of the explanation submitted by the petitioner on 04.09.2015, as admitted in the counter-affidavit, and pass appropriate orders thereon within a period of four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

02-08-2016

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