

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24397 of 2016

ORDER

This writ petition is filed seeking to declare the proceedings dated 2.6.2016 issued by the 3rd respondent, as arbitrary and illegal.

The petitioner was appointed as Technical Assistant under MGNREG Scheme in the month of February, 2008. While working as Technical Assistant at Kasimkota Mandal under 4th respondent, certain irregularities were noticed against the petitioner in the 6th social audit conducted during the month of March, 2014. Based on which, show cause notice dated 9.6.2014 was issued to him and he was kept under suspension. However, when the petitioner appeared in person and submitted his explanation, the suspension was revoked and the petitioner was taken to duty. Again on 30.06.2015, another show cause notice was issued and after submission of his explanation, those allegations were also dropped. Pursuant to the 7th round of social audit, the petitioner was kept under suspension on the ground of irregularities vide order dated 2.6.2016. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that as many as 37 irregularities were alleged against the petitioner and the entire social audit revolved against him and the petitioner was kept under suspension on flimsy grounds and it is a case of victimization.

Learned Standing Counsel appearing for the respondents 2 to 4 submits that the Project Director taken into consideration various allegations in the earlier social audit and passed note orders to keep the petitioner out of contract. In view of the same, the order of suspension was passed on 2.6.2016 during the 8th round of social audit on the ground that certain irregularities have been noticed against the petitioner and accordingly, show cause notice dated 19.7.2016 was issued to submit his explanation within seven days and personal hearing is to be conducted on 1.8.2016.

In view of the allegations against the petitioner and as an opportunity was afforded to him to submit his explanation, this Court is not inclined to interfere with the order of suspension dated 2.6.2016. However, the Writ Petition is disposed of directing the respondents to consider the explanation submitted by the petitioner to the

show cause notice dated 19.7.2016 and pass appropriate reasoned order thereon. Till such time, no coercive steps for removal of the petitioner shall be taken by the respondents. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

8th August, 2016

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