

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.3962 of 2015

ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Social Welfare (Andhra Pradesh), for respondents.

2. This Writ Petition is filed by petitioners challenging the proceedings dt.15.11.2014 and dt.05.11.2014 issued by 3rd respondent, terminating the services of petitioners who were employed as Technical Assistants by 3rd respondent.

3. The counsel for petitioners contended that the orders removing petitioners from service as Technical Assistants is on the ground that they failed in monitoring the execution of works / over-seeing the musters with actual labour worked in the field / allowing machinery and generating false NMR's / causing revenue loss to Government; that these allegations caused a stigma on the petitioners; and without giving any notice to petitioners, inviting their explanation, conducting any enquiry, these orders have been passed on the basis of a vigilance report said to have been submitted by the Vigilance and Enforcement Department to the 1st respondent. He further contended that the copy of the said report was not furnished to petitioners, and the said enquiry was conducted behind the back of petitioners, and such arbitrary action on the part of respondents cannot be countenanced.

4. Counter-affidavit is filed by 3rd respondent supporting the orders passed by 3rd respondent terminating the services of petitioners. It is contended that petitioners were sponsored by Girijana Mahila Samakya, Paderu on out-sourcing basis under the Mahatma Gandhi National Rural Employment Guarantee Scheme (M.G.N.R.E.G.S.), and that the Vigilance and Enquiry Department conducted enquiry on the basis of which the impugned orders were passed. It is also stated that orders were passed for recovery of certain amounts against the petitioners on 05.11.2014 and 15.11.2014. It is stated that Vigilance and Enforcement Department physically inspected certain road works and records sanctioned under the Mahatma Gandhi National Rural Employment Guarantee Scheme (M.G.N.R.E.G.S.) programme in the Tribal Welfare Engineering Division, Paderu and communicated its findings recommending removal of these persons; that the Engineer-in-chief, Tribal Welfare, Hyderabad as well as the Principal Secretary, Tribal Welfare also directed the services of petitioners to be terminated; and therefore, the impugned orders were passed.

5. Nowhere in the counter-affidavit it is stated that petitioners were given any opportunity to dispute any of the allegations leveled against them or that they were allowed to participate in the enquiry conducted by the Vigilance and Enforcement Department and its enquiry report was furnished to petitioners. Thus, there has been a clear violation of principles of natural justice. When the impugned orders cast a stigma on the petitioners and amounts are also directed to

be recovered from them, without giving reasonable opportunity to petitioners to defend themselves, the impugned orders could not have been passed.

6. Accordingly, the Writ Petition is allowed, and the orders dt.15.11.2014 and dt.05.11.2014 issued by 3rd respondent are set aside. No order as to costs.

7. The respondents shall restore the petitioners' services, issue appropriate notices to petitioners for the irregularities they are alleged to have committed, invite applications from petitioners, consider the same in accordance with law and then take a decision whether or not to retain the services of petitioners.

8. This exercise shall be completed within a period of six (06) months from the date of receipt of a copy of this order, and till the conclusion of such enquiry, the petitioners shall be allowed to work as Technical Assistants in the 3rd respondent's Office.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-11-2016

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