

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.3465 OF 2010

ORDER:

The petitioner was appointed as Field Assistant under National Rural Employment Guarantee Scheme by the 1st respondent in the year 2007. It appears that the petitioner committed several irregularities while discharging his duties. The 1st respondent issued proceedings in Rc.No.47/2009/E.G.S. Kotabommali, dated 05-12-2009 stating that in the social audit conducted between 02-10-2009 and 13-10-2009, it came to light that the petitioner committed misappropriation of amount to a tune of Rs.3,63,029/- and he was asked to pay the said amount within a period of 10 days, failing which, appropriate proceedings will be taken under Revenue Recovery Act apart from launching criminal proceedings. Pursuant to the same, Tahsildar, issued a notice on 25-01-2010 for recovery of amount under the Revenue Recovery Act. Challenging the same, the present writ petition is filed.

2. 1st respondent herein filed counter-affidavit stating that pursuant to the social audit from 02-10-2009 to 13-10-2009, the District Collector & District Programme Co-ordinator, NREGS, A.P. Srikakulam, vide order, dated 18-11-2009, directed the 1st respondent to recover the misappropriated amounts from the individual concerned, including the petitioner. Accordingly, a notice was issued to the petitioner on 05-12-2009. Since the petitioner did not remit the amount, the District Collector authorized the Tahsildar to recover the amount under Revenue Recovery Act vide proceedings, dated 19-12-2009. In pursuance of the same, the Tahsildar issued proceedings, dated 25-01-2010.

3. Learned counsel appearing for the petitioner submits that the 1st respondent passed the order unilaterally without affording any opportunity to the petitioner to submit his explanation when the alleged irregularities are detected during the social audit.

4. In the circumstances, the petitioner is given liberty to submit his explanation to the proceedings of the 1st respondent, within a period of 30 days from the date of receipt of a copy of this order and on such submission of the explanation, the 1st respondent shall pass final orders and communicate the same to the Tahsildar-2nd respondent as well as to

the petitioner.

5. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 20-04-2016

Hsd