

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20660 of 2009

ORDER:

Heard Mr. G. Venkat Reddy for petitioner; Mr. G. Seshadri, standing counsel for the third respondent and learned Assistant Government Pleader for Panchayat Raj.

2. Petitioner challenges order Rc.No.C/29/2009 dated 25.07.2009 passed by the third respondent as illegal, arbitrary and unconstitutional. Through the impugned order, the third respondent removed the petitioner from services of Field Assistant of Pulimaddi Village, Nandyal Mandal, Kurnool District. Petitioner challenges the order of removal, primarily, on the ground that the third respondent did not issue notice to petitioner or conducted enquiry before concluding that petitioner is responsible for either inclusion of bogus names or withdrawal of money in the names of those bogus persons, therefore, prays for setting aside the order impugned in the writ petition.

3. The third respondent filed counter and also a petition to vacate interim order dated 24.09.2009. In the counter affidavit, in para 3, it is categorically stated that show cause notice was issued on 21.07.2009, petitioner submitted his reply and admitted the allegations. I consider it appropriate to excerpt paras 3 and 4 of the counter affidavit:

“3. It is respectfully submitted that the wage workers of Pulimaddi Village gave a complaint against the Petitioner on 06.07.09 stating that some of the bogus names were include in the Muster Rolls and he misappropriated the funds. As per the said complaint, the MPDO instructed the Additional Programme Officer to conduct an enquiry. Thereafter, the Additional Programme Officer, Nandyal has issued a show cause notice on 21.07.09 against the Petitioner. Thereafter, the Petitioner gave a reply to the said show cause notice on the same day and admitted the allegations. Subsequently, as per the instructions of the MPDA, the Panchayat Secretary submitted a report and admitted that the allegations are proved.

4. It is respectfully submitted that as per the report of the Panchayat

Secretary, Pulimaddi Village of Nandyal Mandal,
the MPDO has terminated the post of the Petitioner on 25.07.07 vide order Rc.No.C/29/2009. The said order was issued by following the appointment rules as per G.O.Ms.No.471, Panchayat Raj & RD, daetd15.10.07 and proceedings of the NREGS, AP dated .09.08. It is submitted that it is not true that the Petitioners made an allegation against me due to political pressures on 3rd Respondent. As per the appointment and proceedings, the MPDO has taken action in accordance with law.

As per the said proceedings, the appointment of the Petitioner was in force from 01.09.08 and expired at the end of the year i.e. 31.08.09. Hence, the Petitioner is not entitled to continue in the said post in the organization of the Respondents. The said appointment was purely on temporary basis and the appointment will continue to be extended from time to time.”

4. Petitioner did not file rejoinder against the stand taken by the third respondent in paras 3 and 4 of the counter affidavit. This Court, after perusing the accompanying annexures, is of the view that the ground that no notice is issued before passing the removal order cannot and could not be brought home by the petitioner. Further, to the repeated query from Court whether any rules and administrative instructions are issued by the Government providing for procedure to be followed before the field assistant is removed, learned counsel for petitioner has stated there is no rule or administrative instruction issued by the Government but the contention is based upon the general principles of law. Be that as it may, the very first ground on which the order of removal is challenged fails, this Court is not inclined to interfere with the order of removal and the writ petition fails.

5. Counsel for petitioner requests the Court to direct the District Collector to look into the matter and take appropriate action, as has been directed by this Court through common order dated 07.07.2010 in WP.No.14121 of 2009 and batch.

For the view I have taken, I am of the view that no further direction need be given and the writ petition fails and is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand

closed. There shall be no order as to costs.

June 7, 2016
DSK

S. V. BHATT, J