

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19805 of 2016

Order:

The petitioner was appointed as Field Assistant by the fourth respondent on 01.03.2007 for Chellapur Gram Panchayat. The petitioner was earlier removed from service by the orders of the third respondent dated 25.06.2012. Challenging the same, the petitioner filed WP No.21827 of 2012 and the said Writ Petition was allowed along with other Writ Petitions, by an order dated 25.07.2012. While so, the fourth respondent addressed a letter on 30.11.2015 requesting the third respondent to initiate proceedings against the Senior Mates due to deficiencies in proper implementation of the scheme. Though, no notice was issued, the third respondent directed the petitioner to improve her performance and accordingly the petitioner states that she has been paying attention to the duties, but, when the respondents failed to pay the salaries from December 2015 onwards, the present Writ Petition was filed challenging the action of the respondents in orally directing the petitioner not to attend duties from May 2016 onwards and also for payment of salary from December 2015 to May 2016.

2. A counter affidavit is filed on behalf of the fourth respondent admitting that the petitioner was appointed as Field Assistant on 01.03.2007 and when the proceedings were issued on 25.06.2012 removing the petitioner from the post of Field Assistant, the said order was set aside in WP No.21827 of 2012, dated 25.07.2012. She was reverted as Senior Mate in October 2015 due to not providing adequate working days for the labour. Thus, the petitioner continued as Senior Mate from October 2015 till January 2016 and she was directed not to attend the work orally. While so, the fourth respondent received a letter dated 06.05.2016 from the third respondent asking the fourth respondent to take action against the Senior Mates, who

allegedly misappropriated the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) funds, basing on the report of the Social Audit Team. The petitioner was orally directed not to attend the work from January 2016 in view of the said circumstances. However, a letter of termination was issued on 10.05.2016 terminating the services of the petitioner because of her poor performance as Senior Mate. The said copy was served on the petitioner and she acknowledged the same. As per the circular dated 31.08.2015 issued by the Government, certain minimum performance norms were fixed and the Field Assistants and Senior Mates are required to meet the same in order to renew their contract. Since the petitioner did not meet the required performance criteria, the services of the petitioner were terminated by following due procedure and one M. Venkata Swamy was appointed by proceedings dated 10.05.2016, who was next to the petitioner in the list of Senior Mates.

3. The above facts make it clear that, though there was an allegation with regard to misappropriation of MGNREGS funds, on the basis of the information furnished by the third respondent on 06.05.2016, no notice was issued to the petitioner. The petitioner was orally asked not to attend the duties from January 2016, but an order of termination was passed on 10.05.2016. The petitioner filed the evidence showing that she was working even as on 05.05.2016. In the circumstances, the order dated 10.05.2016, terminating the services of the petitioner, is set aside and the respondents are directed to reinstate the petitioner into service. However, it is open to the respondents 3 and 4 to take appropriate proceedings in accordance with law for the alleged irregularities by giving due opportunity to the petitioner.

4. The Writ Petition is, accordingly, allowed to the extent indicated above. It is needless to observe that the petitioner is entitled for the salary for the period from December 2015 to the date of removal on 10.05.2016. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 02.08.2016
Nsr

RAMALINGESWARA RAO, J