

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17449 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ, Order or direction more particularly one in the nature of Writ of Certiorari, call for the records and quash the impugned show cause notice passed by the 2nd respondent in Rc.No.271/2017 A4, dated 06.05.2017 as the same is illegal arbitrary and without jurisdiction.”

2. Heard Sri S.Sridhar, learned counsel for the petitioner and learned Government Pleaders for Panchayat Raj and Finance and Planning for the respondents 1, 2 and 4 and Sri Ravi Cheemalapati, offers vakalat as standing counsel for 3rd respondent and the said offer is recorded.

3. From perusal of the writ petition and hearing of the counsel of the learned counsel for the petitioner and also the learned Government Pleaders for respondents, it is evident that the impugned show-cause notice is the interim suspension pursuant to the Rule 42 of the Panchayat Raj Rules, 1994, amended in 2005 and as per the said Rule, the District Panchayat Officer got the power of interim suspension pending enquiry. In fact the show-cause notice issued is pending final orders as an interim measure of suspension and not by any punishment by final order and

explanation already submitted by the petitioner was received on 18.05.2017 by the office of the District Panchayat Officer, Visakhapatnam District, as per the endorsement.

4. Having regard to the above, while disposing of the writ petition, the 2nd respondent is directed to give early disposal of the said final representation on own merits from hearing, in accordance with law.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

02.06.2017
SS

DR.B.SIVA SANKARA RAO,J

