

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.22473 of 2017

O R D E R:

Heard counsel for petitioner and Smt R.Padma Rekha,
Standing Counsel appearing for respondents.

2. Petitioner was appointed as Field Assistant on
24.03.2008 under MNREG Scheme for Kondrapadu Village.

3. A charge memo was issued to him on 10.07.2015
leveling 26 charges on the basis of a report dt.05.06.2015 of
the 8th Social Audit.

4. Petitioner gave explanation denying the charges.

5. An order of removal from service was passed on
17.02.2016 along with a direction to recover a sum of
Rs.1,63,654/- from the petitioner.

6. Petitioner preferred an appeal to 2nd respondent through
3rd respondent on 04.02.2017.

7. On 06.05.2017, 2nd respondent communicated through
3rd respondent that petitioner's appeal is rejected.

8. Assailing the same, this Writ Petition is filed.

9. Counsel for the petitioner contends that the petitioner
has raised several grounds in the appeal preferred against the
order of removal and without adverting either to the

contentions of the petitioner or furnishing any reasons for rejecting the appeal, the impugned order has been passed.

10. Smt R.Padma Rekha, Standing Counsel appearing for respondents sought time to get instructions.

11. Exfacie, the order dt.05.06.2017 communicated to the petitioner by 3rd respondent that the 2nd respondent had rejected the petitioner's appeal does not enclose the order of the Appellate Authority i.e., 2nd respondent and it also does not disclose that any consideration of the grounds of appeal was made by the 2nd respondent before rejecting the appeal or gives any reasons for rejecting the appeal.

12. Thus, the impugned order is contrary to the basic tenets of principles of Administrative Law that an Appellate Authority must apply its mind to the grounds of appeal and pass a reasoned order in the appeal and communicate the same to the appellant.

13. Therefore, the Writ Petition is allowed at the admission stage; the order dt.05.06.2017 of the 3rd respondent communicating the decision of the 2nd respondent rejecting petitioner's appeal, as well as the order of the 2nd respondent rejecting the petitioner's appeal without giving any reasons, are set aside; and the matter is remitted back to the 2nd respondent to pass a reasoned order after considering the grounds of appeal raised by the petitioner and communicate

the same to the petitioner. This exercise shall be completed within a period of three (03) months from the date of receipt of a copy of this order. Till the disposal of the said appeal, 4th respondent shall not fill up the post of Field Assistant, which the petitioner is holding. There shall be no order as to costs.

14. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

07th July, 2017.
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