

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.5804 OF 2017

Dated:27.02.2017

Between:

T. Rama Rao, S/o. Desaih,
Aged 36 years, Occ: Field Assistant,
NREGS, Perumdesam Panchayat,
KVB Puram Village and Mandal,
Chittoor District

.. Petitioner

And

State of Andhra Pradesh, rep., by its
Principal Secretary, Rural Development
Department Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.5804 OF 2017****ORDER:**

Disciplinary proceedings were initiated against the petitioner by charge memo, dated 08.12.2016. The charge memo itself calls for explanation from the petitioner and holding of personal hearing. It appears that the petitioner attended for personal hearing on 19.12.2016 and submitted his written explanation. On consideration of the written explanation, the 3rd respondent passed orders, dated 31.12.2016, terminating the petitioner from service. The petitioner challenges the said termination orders.

2. Primarily, it is the contention of learned counsel for the petitioner that for the period prior to 2014-15, social audit was conducted and disciplinary action was also initiated against the petitioner. Having satisfied with the explanation of the petitioner, his earlier termination was revoked and he was put back to duties. Again for the incident prior to the satisfactory conducting of social audit and the earlier disciplinary action, on some complaints made, the present disciplinary action is initiated resulting in the impugned order and the same is not permissible. He also submits that though the date for personal hearing was fixed on 19.12.2016 and the petitioner attended on the said date, no personal hearing was conducted and the same is illegal.

3. Sri M.S.R. Chandra Murthy, learned Special Standing Counsel for Mandal Praja Parishad Development appearing for the 4th respondent, submits that the petitioner has the remedy of

appeal before the appellate authority and all his contentions can be raised before the appellate authority.

4. When specifically asked, learned counsel fairly submits that the allegations made in the present charge memo, dated 08.12.2016, do not relate to the earlier disciplinary action and that the petitioner has the remedy of appeal before the appellate authority and he has not availed the same as yet.

5. *Prima facie* I see no jurisdictional illegality in the order passed by the 3rd respondent. Since the petitioner has the remedy of appeal, this Court is not inclined to express any opinion on merits and prejudice the right of the petitioner before the appellate authority. Clause 13 of the Circular relating to the Field Assistants Human Resource Policy, dated 08.01.2013, confers right of appeal before the appellate authority and such appeal is not preferred by the petitioner. It is an efficacious remedy. Thus, this Court is not inclined to entertain the Writ Petition, at this stage, and it is liable to be dismissed.

6. Having regard to the above, since the petitioner has the remedy of appeal before the appellate authority, without going into the merits of the matter, the Writ Petition is dismissed granting liberty to the petitioner to avail remedy of appeal and it is left open to him to raise all his contentions as available in law, including the contentions urged in this Writ Petition, before the appellate authority within a period of two weeks from today. On such appeal being filed, the appellate authority shall consider the same and pass appropriate orders as expeditiously as possible,

preferably within a period of six weeks from the date of receipt thereof. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:27.02.2017

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