

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31071 OF 2017

ORDER:

Heard learned counsel for petitioner and learned Government Pleader for respondents.

The petitioner was elected as Sarpanch of Uppada Village of U.Kothapalli Mandal, East Godavari District, in the year 2014 and was discharging her duties. It appears that the husband of the petitioner lodged a complaint to the third respondent for taking appropriate action against the In-charge Secretary. Basing on the said complaint, the third respondent caused enquiry through the fourth respondent and the enquiry revealed certain irregularities. Basing on the same, the third respondent issued a notice on 21.06.2017 asking the petitioner to show cause as to why she should not be kept under suspension in exercise of powers under sub-section (6) of Section 249 of the Andhra Pradesh Panchayat Raj Act, 1994, for the allegations mentioned in the show cause notice. The petitioner submitted her explanation on 28.06.2017. When the third respondent passed an order on 08.09.2017 keeping the petitioner under suspension for a period of six months contrary to Section 249 of the Andhra Pradesh Panchayat Raj Act, the present writ petition is filed.

The learned counsel for the petitioner submits that the above provision does not enable the third respondent to keep the petitioner under suspension for a period of six months and the period of three months mentioned in the said Section is also pending enquiry into the charges.

Now there is no enquiry proposed against the petitioner as the petitioner has already submitted her explanation to the show cause notice, in view of the error apparent on the face of record, this Court is constrained to set aside the impugned order, dated 08.09.2017.

The writ petition is accordingly allowed. However, this will not prevent the appropriate authority from taking action in accordance with law.

Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

19.09.2017
pln

