

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 13377 of 2017

Date :24.4.2017

Between :

Jala Siva S/o Jala Bandenna
MGNREGS Palugurallapalle
R/o Jukupalli village, YSR Kadapa district

Petitioner

And

The State of A P
Rep by its Principal Secretary
PR & Rural Development, Secretariat, Amaravati, Guntur and others
Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was placed under suspension on allegation of involvement in criminal case, he was issued with show cause notice calling for his explanation. Petitioner submitted his explanation. Having taken note of the explanation offered by the petitioner and on personal hearing of the petitioner, final orders dated 27.3.2016 were passed. Reading of the order would show that the allegation leveled against the petitioner is involvement in criminal case registered against him and after extracting the explanation offered by the petitioner, final order only deals with the involvement of the petitioner in two crimes registered against him. In other words, the ground that he is involved in two criminal cases, he was removed from service.

Mere involvement of a person in a criminal case does not make him ineligible to continue in public service, even if it is on contract basis. It appears, so far charge sheet is not filed. Further more, the order is also liable to be set aside on the ground that there is no discussion why the explanation offered by the petitioner is not valid. Having regard to these deficiencies noticed in the order, the impugned order is set aside and respondents are directed to provide work to the petitioner as field assistant. However, if charge sheet is filed against the petitioner, it is open to the respondents to take action and initiate domestic enquiry and take disciplinary action, if so warrant.

Accordingly, writ petition is allowed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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