

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.184 of 2013

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 Mandamus to the respondents No. 2 to 7 to strictly implement and provide the benefits guaranteed under the Act by declaring the inaction of the respondents is being illegal, arbitrary and improper and violation of Article 41 of the Indian Constitution”.

2. According to the petitioner, he and his wife applied for job card and the 7th respondent after verifying the application allotted the job card to the petitioner vide card No.WAP 085502000425 to the years 2007-2008 to 2011 and that after getting the job card he used to attend the work allotted by the Field Assistant and Grampanchayathi. It is further submitted that on 14-07-2011 the petitioner herein attended the work at Parvathammagunta as per the allotment of the Field Assistant and Grampanchayathi and during the course of work when the petitioner and others workers were removing the soil, all of a sudden one piece of big soil rock fell down on the petitioner's right leg, which resulted in fracture to the right leg of the petitioner. Thereafter the petitioner was shifted to one private hospital at Kavali, where operation in leg was undertaken, steel rods were inserted and petitioner remained

as inpatient for only five (5) days under Arogya Sri Scheme and thereafter he was discharged from the hospital.

3. The complaint of the petitioner in the present writ petition is that though the scheme framed by the Government provided certain safeguards the respondents herein are not extending the same. In order to substantiate his stand learned counsel brings to the notice of this Court the provisions of Schedule-II, Section 5 (24)(25)(26) of the National Rural Employment Guarantee Act, 2005, which read as under:

“24. If any personal injury is caused to any person employed under the Scheme by accident arising out of and in the course of his employment, he shall be entitled to, free of charge, such medical treatment as is admissible under the Scheme.

25. Where hospitalization of the injured worker is necessary, the State Government shall arrange for such hospitalization including accommodation, treatment, medicines and payment of daily allowance not less than half of the wage rate required to be paid had the injured been engaged in the work.

26. If a person employed under a Scheme dies or becomes permanently disabled by accident arising out of and in the course of employment, he shall be paid by the implementing agency an exgratia payment at the rate of twenty-five thousand rupees or such amount as may be notified by the Central Government, and the amount shall be paid to the legal heirs of the deceased or the disabled, as the cause may be.”

4. Earlier, when the petitioner approached the Project Director with a representation, for redressal of his grievance. The Project Director rejected the request of the petitioner herein vide proceedings Rc.No.D3/220/E.G.S./2012, dated 31-03-2012 on the ground that the persons who availed the benefit of Arogya Sri Scheme would not be entitled for medical reimbursement.

5. According to the learned counsel for the petitioner, the said action on the part of the Project Director is highly illegal, arbitrary and contrary to the very object and intention behind the provisions of law, which are extracted above. It is further stated by learned counsel that the petitioner herein submitted a representation on 07-07-2012 before the Commissioner, Rural Development and NREGS, Andhra Pradesh, for redressal of his grievance, and no action has so far been taken by the 2nd respondent in the direction of addressing the grievance of the petitioner herein. A request is made by learned counsel for the petitioner to direct the 2nd respondent to take action on the representation, dated 07-07-2012 keeping in view the provisions of law mentioned supra.

6. Having heard the learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Sri G. Sheshadri, learned counsel for the 6th respondent, this Court is of the considered opinion that the ends of justice

would be served if the 2nd respondent is directed to take appropriate action on the representation, dated 07-07-2012, in accordance with law, within a timeframe.

7. For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent herein to take appropriate action on the representation, dated 07-07-2012 submitted by the petitioner herein, in accordance with law, under the provisions of National Rural Employment Guarantee Act, 2005 and instructions, if any, issued by the Government in this regard, within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

March 07, 2017

Pn

A.V. SESA SAI, J

THE HON'BLE SRI JUSTICE A.V. SESA SAI



WRIT PETITION No.184 of 2013

March 07, 2017

Pn