

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.26958 of 2017

ORDER ::

The petitioner filed this writ petition aggrieved by the impugned action of the 4th respondent in placing him under temporarily out of contract employment (suspension) vide proceedings dated 17-06-2017 and also issuance of show cause noticed dated 17-06-2017, as being illegal and arbitrary and for consequential directions.

2. The case of the petitioner is that he was appointed as Field Assistant in the year 2007 by the 5th respondent and discharging duties as such to the satisfaction of one and all. It is stated that one Sri C. Manohar and Sri C. Nagamaddileti and others made complaints against him alleging that he has not been providing works to job card holders and using un-parliamentary language, demanding money from job card holders for providing work and showing partiality to certain job card holders. The petitioner denies all the allegations and stated that the persons who have made complaints against him are brother and other relatives of present Sarpanch and action has been taken at the instance of the Sarpanch as he has not allotted work to the followers of the Sarpanch. The petitioner in the facts and circumstances states that the impugned orders are unsustainable and liable to be set aside. Hence, this writ petition.

3. Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and the learned standing Counsel for respondent no.4.

4. It is to be seen that petitioner has been served with the impugned show case notice and the order of suspension on the same day, thereby leaving little scope to file his explanation to the show cause notice. As contended by learned standing counsel for the 4th respondent, suspension pending enquiry is not a punishment, but in the facts and circumstances of the case, the petitioner ought to have been given opportunity to answer the allegations levelled against him. This Court is not making a roving enquiry nor analysing the truth or otherwise of the allegations made against petitioner. This Court ordinarily will not interdict with disciplinary proceedings, unless come to the opinion that principles of natural justice are violated are not being followed.

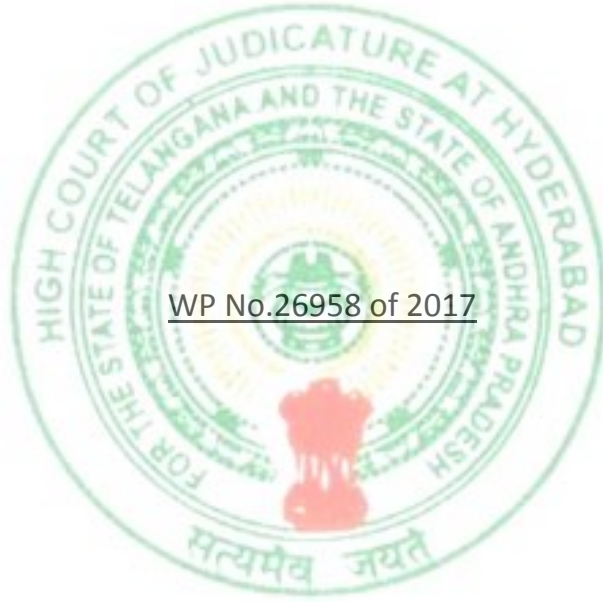
5. In the circumstances, it is open for the petitioner to submit his explanation to the show chase notice dated 17-06-2017 within a period of four weeks from the date of receipt of a copy of this order and on filing explanation, the respondent-authority to pass orders, in accordance with law, within a period of four weeks thereafter. In case the suspension is not revoked and enquiry could not be completed within the time ordained above, the petitioner be allowed to resume duty.

6. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any pending in this case shall also stand disposed of. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

Dated: 11-08-2017
NRG

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