

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 38861 of 2017

Order:

The petitioner was appointed as Field Assistant of Humanthulapalli Gram Panchayat, Chinthapally Mandal, Nalgonda District, through a resolution of the Gram Panchayat passed in the year 2006. It appears that the petitioner underwent surgery on 03.01.2015 and he was advised bed rest. While he was undergoing treatment as above, a show cause notice was issued to him on 06.04.2015 on the ground that he did not provide the work to the labourers and he was asked to explain within 24 hours. He could not submit his explanation within the time in view of his health condition.

When this Writ Petition was filed challenging the action of the respondents in not permitting him to join duty, the Writ Petition was adjourned for taking instructions. Now, the learned Standing Counsel appearing for the respondents, on the basis of written instructions, submits that since the petitioner did not receive the show cause notice dated 01.12.2015, an order of removal was passed on 20.01.2016 removing him as Senior Mate. Learned Standing Counsel also states that another person was appointed in his place, as it was noticed that the petitioner was undergoing treatment without informing the same to the higher authorities.

Be that as it may, in view of lack of opportunity for the petitioner to submit an explanation to the show cause notice, the Writ Petition is disposed of giving liberty to the petitioner to receive copy of the show cause notice and submit his explanation to the same within a period of two weeks from the date of receipt of show cause notice and the Competent Authority shall pass appropriate orders in accordance with law

within a period of four weeks thereafter. In view of the above order, the earlier order of removal passed on 20.01.2016 is set aside and the status of the petitioner would be subject to further orders to be passed by the competent authority.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 04.12.2017
Nsr

A. RAMALINGESWARA RAO, J

