

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 38573 of 2017

Order:

Heard learned counsel for the petitioner, learned Government Pleader for the respondents 1 and 2 and learned Standing Counsel for the 3rd respondent.

The petitioner was working as Field Assistant in Kowkunda Gram Panchayat, Parkal Mandal, Warangal District, under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), since 2007. It appears that the third respondent lodged a complaint before the P.S. Subedari at Warangal for the offences under Sections 420 and 409 IPC alleging that the petitioner committed the offences of cheating and misappropriation of funds to the tune of Rs.1000/-, as he remitted only Rs.741/- instead of Rs.1741/-. A case in Crime No.220 of 2017 was registered on 08.06.2017. The petitioner is under anticipatory bail granted in Criminal Petition No.6078 of 2017. While so, in view of the said incident, an order of termination was passed by the third respondent on 05.08.2017 without conducting any enquiry. Against the same, the petitioner preferred an appeal to the second respondent on 30.08.2017 and the second respondent, without giving any reasons or without giving any opportunity, on the basis of the alleged individual investigation notice dated 21.09.2017, confirmed the order passed by the third respondent by proceedings dated 27.09.2017.

When the petitioner is working since 2007 and when his services are sought to be terminated, an enquiry has to be conducted by the competent authority by following the principles of natural justice. No enquiry is conducted in the instant case and unfortunately the appellate authority also did not take that fact into consideration. He merely noted

down the allegations and the explanation recorded in the individual investigation notice. This is not a sufficient compliance with the principles of natural justice while dealing with the employment of an individual.

In the circumstances, this Court is constrained to set aside the order dated 27.09.2017 passed by the second respondent and remand the matter to the second respondent for passing fresh orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed to the extent indicated above. 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: 16.11.2017

Note:
Issue CC in three days.
(B/O)
Nsr

A. RAMALINGESWARA RAO, J

