

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42490 of 2017

ORDER:

The petitioner was appointed as a Field Assistant under the Mahatma Gandhi National Rural Employment Guarantee Scheme by proceedings dated 28.01.2010 issued by the fourth respondent. The contract period of the petitioner was extended from time to time. While so, certain irregularities were noticed during the 8th Social Audit conducted in the Gram Panchayat. An enquiry was conducted on the same and the Assistant Project Director, Chintalapudi, submitted a report on 16.06.2016 stating that an amount of Rs.30,509/- was received by the petitioner from the individual account. Based on the said report, a show cause notice was issued by the third respondent on 20.06.2016. The petitioner attended the personal hearing and submitted her explanation on 01.07.2016. However, now the petitioner states that without considering her explanation in proper perspective, the third respondent passed an order on 19.12.2016 terminating her services. Against the same, the petitioner preferred an appeal to the second respondent on 22.12.2016 and the second respondent passed an order on 01.02.2017 confirming the order passed by the third respondent. Challenging the orders passed by respondent Nos.2 and 3, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the second respondent traveled beyond the allegations mentioned in the show cause notice and in any event, the order passed by the second respondent on 01.02.2017 is not a reasoned order and hence it is liable to be set aside.

This Court carefully perused the impugned order passed by the second respondent on 01.02.2017 and noticed that the order was passed merely stating that the explanation submitted by the petitioner was not satisfactory. When the petitioner appeared before the second respondent on 21.01.2017, the second respondent should have considered the explanation submitted by the petitioner in the light of the allegations leveled against her and also on the basis of the record available with him and should have passed a speaking order. Since the order does not contain reasons in the said lines, this Court is constrained to set aside the impugned order at the stage of admission and remand the matter to the second respondent for consideration of the case fresh in accordance with law, within a period of two months from the date of receipt of a copy of this order. If the oral explanation submitted by the petitioner is available on record, there is no need for calling the petitioner again. But, however, if the oral explanation submitted by the petitioner was not recorded on 21.01.2017, an opportunity should be given to the petitioner to submit her explanation.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

14.12.2017
vs