

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.39679 of 2017

ORDER:

The petitioner was appointed as Field Assistant in the year 2006 in Timmapuram Grampanchayat, Dameracherla Mandal, Nalgonda District. While so, a social audit was conducted on 17.05.2014 and certain irregularities were noticed in payment of wages, the petitioner was issued charge Memo on 13.06.2014 and she was called for personal hearing on 05.06.2015. Though the petitioner submitted detailed explanation, the fourth respondent passed an order terminating the services of the petitioner on 30.09.2015. The petitioner preferred an appeal to the third respondent. The third respondent passed an order confirming the order passed by the fourth respondent. The present Writ Petition is filed challenging the order, dated 29.08.2017.

2. A perusal of the order passed by the fourth respondent indicates that as many as seven charges were levelled against the petitioner and an order was passed on 30.09.2015 for recovery of Rs.76,004/- and imposing fine of Rs.1,000/-, while removing the petitioner from service. Against the same, the petitioner preferred an appeal to the third respondent and the third respondent passed an order with the following observation:

“The explanation and documents furnished by FA are examined in detail with reference to SRDS norms under reference 9, 10 and 11. FA failed to show sufficient proof in support of her explanation. The irregular payments, binami musters and negligency in discharge of duties by FA is proved. Therefore the FA is liable for major punishment under SRDS norms.

Further a grievance cell petition filed against FA by Sri D.Rang and villagers of Timmapuram levelling several financial irregularities against FA. The said Dhanavath Ranga has also filed RTI petition 01.08.2017 requesting removal of FA from GP.

Therefore in accordance with the norms under SRDS, the orders of permanent removal of FA from contract service are confirmed, besides recovery of Rs.77,013/- from her.”

3. Since the third respondent did not consider the evidence produced by the petitioner on the ground that the said evidence was not produced before the fourth respondent, though the third respondent is the appellate authority, this Court is constrained to set aside the impugned order, dated 29.08.2017, passed by the third respondent and remand the matter to him for consideration of appeal of the petitioner afresh, in accordance with law, after perusing the evidence produced by the petitioner and also giving personal hearing to her. The third respondent shall pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition is allowed setting aside the order, dated 29.08.2017, passed by the third respondent. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 04, 2017

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Date: 04.12.2017

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