

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.19573 OF 2017

O R D E R

The case of the petitioner is that he was appointed as Field Assistant in Vijayarampuram Gram Panchayat in Surubujili Mandal of Srikakulam District under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) by the 5th respondent – Mandal Parishad Development Officer – cum Programme Officer of MGNREGS, in the year 2008 and since then, he has been working. In the second week of March, 2015, as he developed chest pain, took treatment as out patient in Sri Sai Satyanarayana Nursing Home, Amadalavalasa, and the doctors advised him to take rest for 15 days. Therefore, he made representation dated 12.03.2015, for medical leave for fifteen days up to 27.03.2015 along with relevant medical record. Thereafter, the 4th respondent – Project Director, addressed letter dated 12.05.2015, to the Medical Superintendent, Medical Board, Srikakulam, to examine the medical certificate submitted by the petitioner. Petitioner on being summoned, appeared before the District Medical Board, RIMS General Hospital, Srikakulam on 16.06.2015 and the said Board after examining the petitioner, found that the previous medical reports of the petitioner, as genuine and accordingly the Superintendent, RIMS General Hospital, Srikakulam, issued proceedings in Rc.No.1362/G2/2015 dated 17.06.2015, enclosing the medical report dated 17.06.2015. Petitioner made representation 13.02.2017 to the 3rd respondent – District Collector – cum – District Programme Coordinator of MGNREGS, for a direction to respondents 4 and 5, to permit him to join duty. As no action has been taken, present writ petition is filed.

Sri M.S.R.Chandra Murthy, learned Standing Counsel for MGNREGS, based on written instructions, submitted that petitioner could not submit D

Musters of wage seekers for two days on 12.03.2015 and 13.03.2015 and absconded from duties on that date, and in spite of memos, he did not report for duty till date and after lapse of one year and six months, he submitted a representation to admit him as Field Assistant. Learned Standing Counsel further submits that as petitioner absconded from duty un-authorisedly without any intimation and submitted representation after a period of one and half years, he is not entitled for any relief.

The claim of the petitioner that is he suffered from ill health and submitted medical record and the respondents got verified by the Medical Board and vide proceedings of the medical board dated 17.06.2016, his medical record, was found to be genuine. In these circumstances, the respondents ought to have considered the representation of the petitioner in accordance with law.

In view of the above facts and circumstances, without expressing any opinion on merits, writ petition is disposed of directing the 4th respondent to consider the representation of the petitioner 13.02.2017 in the light of medical report dated 17.06.2016 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

A.RAJASHEKER REDDY,J

DATE:12—04—2018

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