

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.9752 OF 2018

ORDER

As per the averments made in the writ petition, petitioner has been working as Field Assistant on contract basis at District Rural Development Officer, District Rural Development Agency, Srisilla District, under the Mahatma Gandhi National Rural Employment Guarantee Scheme, Telangana. Vide proceedings dated 17.10.2017 in A3/875/2017, issued by the 3rd respondent – District Rural Development Officer, he was removed from service on temporary basis for his alleged involvement in Crime No.68/2017 on the file of Police Station Vemulavada Rural, for the offences punishable under Sections 302, 506 and 120(b) read with 34 IPC.

Learned counsel appearing for the petitioner submits that due to local politics in the village, petitioner was falsely implicated in the crime and in fact he is in no way connected with the crime. He was arrested and released on bail. He submits that prior to suspension, petitioner was not issued with any notice and no inquiry was conducted. This amounts to violation of principles of natural justice. Therefore, he sought to revoke the suspension order.

Learned Special Counsel Sri R.Padma Rekha appearing for the 5th respondent, submits that inquiry is in progress and the same would be completed and appropriate action would be taken in accordance with law.

In the present, petitioner is alleged to have been involved in crime for the offences punishable under Sections 302, 506 and 120(b) read with 34

IPC. However, the truth or otherwise of the allegations would be decided during the course of investigation or trial. He was arrested, and as per the submissions of the learned counsel for the petitioner, he was released on bail. The allegations against the petitioner for his temporary removal are for his involvement in criminal case and violation of policy conditions under 12(A) and (H) of Field Assistants Human Resource Policy (for short 'FAHRP'), under Circular No.666/EGS(P)/2012 dated 08.01.2013. Policy Condition 13 (B) (2) empowers the disciplinary authority, to keep the Field Assistant, temporarily out of contract employment and to issue show cause notice containing charges, based on which action is proposed along with sufficient evidence; and Policy Condition 13(B)(3) enables the disciplinary authority to give 14 days time to the delinquent to file written submissions along with evidence to refute the alleged charges. The said provisions are extracted as under for better appreciation:

13. Disciplinary policy”

As contained in Proceedings No.143/SRDS/HR Manual/2009, dated 06.04.2011 of CEO/ SRDS/CRD.

(B) Disciplinary Authority:

1. .
2. Once an act of omission/commission is noticed/reported, the Addl. DPC/ PD DWMA concerned shall keep the Field Assistant under “Temporary out of Contract employment”. The orders of “Temporary out of Contract Employment” to Field Assistant shall be followed by issuance of a Show Cause Notice containing the charges based on which action is proposed along with sufficient evidence.
3. The delinquent Field Assistant shall be given 14 days time to resent the charges and give evidence in his defence by way of written submission.

In view of allegations, the disciplinary authority in conformity with condition No. 13(2) of above said conditions of policy under FAHRP, kept

the petitioner out of contract employment on temporary basis. Hence, I do not find any violation of principles of natural justice.

As per submissions of the learned Special Counsel for the 5th respondent, inquiry is in progress. Therefore, without expressing any opinion on merits, writ petition is disposed of directing the disciplinary authority to follow guidelines under policy condition No.13(2) and (3) under FAHRP and complete the inquiry and take appropriate action in accordance with law, within a period of two months from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:27—03—2018

AVS

