

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.15904 AND 15955 OF 2018

COMMON ORDER

Petitioners in these two writ petitions have been working as Field Assistants under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). By two separate proceedings dated 28.07.2017, issued by the 2nd respondent – Additional District Co-operating Officer, they were removed from service temporarily on the allegation of showing wrong remittances to nodal account of Commissioner, Rural Development, with an intention to cheat the Government. Petitioners have made good the balance of amount shown as wrong deposits and they have submitted letters/explanations dated 23.05.2018 explaining the circumstances and denying the allegations. Now aggrieved by the proceedings dated 28.07.2017, in removing them temporarily from service and in requiring them to show cause why they shall not be removed from service permanently; without considering their explanations, the present writ petitions have been filed.

Learned counsel for the petitioners submit that this court in similar facts and circumstances in I.A.Nos.1 and 2 of 2018 in W.P.No.4638 of 2018 dated 14.02.2018, granted interim suspension of the impugned suspension order therein. Learned counsel sought to pass similar order.

Smt. R.Padma Rekha, learned Special Counsel appearing for MGNREGS submits that the petitioners were suspended pending inquiry and since the petitioners have submitted their explanations, the respondent No.2 would consider their explanations and take appropriate action in accordance with law.

Impugned proceedings were issued on 28.07.2017 and the petitioners have stated to have submitted their explanations on 23.05.2018 and paid the amount which was shown as wrong remittances. In these circumstances, it is

expedient to direct the 2nd respondent to complete the inquiry and take appropriate action within certain frame.

Having regard to the above facts and circumstances and the letters/explanations dated 23.05.2018, stated to have been filed by the petitioners, without expressing any opinion on merits, writ petitions are disposed of directing the 2nd respondent to consider the explanations of the petitioners and conclude inquiry within a period of four weeks from the date of receipt of a copy of this order and take appropriate action in accordance with law.

It is made clear that in case there is default on the part of the 2nd respondent in completing the inquiry and taking appropriate action within the time stipulated above, he shall forthwith reinstate the petitioners into service subject to the orders to be passed in the inquiry.

It is needless to observe that the petitioners shall co-operate with the inquiry.

Writ petitions are accordingly disposed of.

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

A.RAJASHEKER REDDY,J

DATE:30—04—2018

AVS