

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20637 OF 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondents 1, 2 and 4 and Ms. R. Padma Rekha, learned counsel for respondent No.3.

2. Petitioner is working as Field Assistant in Mahatma Gandhi Rural National Employment Guarantee Scheme. By show cause notice dated 19.01.2019, petitioner was asked to submit his explanation on the allegations levelled against him and was also placed under suspension. Petitioner submitted his explanation on 23.02.2019. Alleging that so far no final orders are passed even after lapse of seven months and continuing the petitioner under suspension, this Writ Petition is filed.

3. According to learned counsel, as per Clause 13 of the Field Assistants Human Resources Policy, proceedings have to be concluded within 30 days, whereas even after eight months, proceedings initiated against the petitioner are not concluded.

4. According to learned standing counsel, the explanation of the petitioner was received on 07.03.2019 and the same is under consideration. The competent authority received another complaint against the petitioner alleging that he had participated in the Election Campaign and report is called for by the Revenue Divisional Officer. Since no report is furnished, the proceedings are not concluded.

5. Apparently, the issue of not furnishing report by the Revenue Divisional Officer is a different aspect. On that ground, the competent authority cannot keep the disciplinary proceedings pending for long time.

6. Having regard to long delay in considering disciplinary action, the 3rd respondent is directed to consider the explanation offered by the petitioner to the show cause notice dated 19.01.2019 and pass appropriate orders as warranted by law within a period of four weeks from the date of receipt of a copy of this order. If delay is not attributable to the petitioner and the proceedings are not concluded within the time stipulated above, he shall be reinstated into service.

7. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

Date:20.09.2019

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P. NAVEEN RAO, J