

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22475 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate order or direction more particularly a writ of Mandamus by declaring the orders passed by the 2nd respondent *vide* Memo No.116/K2 Pts/2019, dated 28-9-2019 in shifting the petitioner to Gosampally Gram Panchayat, Khanapur Mandal, Nirmal District as Karobar from Rathnapur Kandli Gram Panchayat, Nirmal Mandal and District without considering the explanations submitted by the petitioner as illegal, arbitrary, unjust, contrary to rules and also violation of principles of natural justice, equity and fair play and set aside the orders passed by the 2nd respondent *vide* Memo No.116/K2.Pts/2019, dated 28.9.2019 by further directing the respondents to continue the petitioner as Karobar at Rathnapur Kandli Gram Panchayath, Nirmal Mandal and District in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri L.Sandeep, learned counsel appearing for the petitioner, and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he is working as Karobar at Rathnapur Kandli Gram Panchayath, Nirmal Mandal and District to the best satisfaction of his superiors. While so, the respondents have issued a show cause notice to him calling for his explanation as to why disciplinary action

should not be initiated against him on the ground that he had participated in an election meeting conducted by some political party. In pursuance thereof, the petitioner submitted his explanation denying the allegation levelled against him. But without considering the said explanation, the respondents have passed the impugned order dated 28.09.2019 shifting him to Gram Panchayat, Gosampally of Khanapur Mandal. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner is on the verge of retirement and he is being paid a meager salary of Rs.3,000/- per month and it is difficult for him to survive with the said amount of Rs.3,000/- in a different Gram Panchayat, where he was posted. It is prayed that appropriate orders be passed directing the respondents to re-consider the case of the petitioner for his retention at Rathnapur Kandli Gram Panchayath, Nirmal Mandal.

Learned Government Pleader appearing for the respondents submitted that every opportunity was given to the petitioner and only after thorough enquiry, the 2nd respondent passed the impugned order shifting him from Rathnapur Kandli Gram Panchayath, Nirmal Mandal to Gram Panchayat, Gosampally of Khanapur Mandal. It is further submitted that if the petitioner submits a representation to the respondents to

retain him at Rathnapur Kandli Gram Panchayath, Nirmal Mandal, the respondents would consider and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the petitioner to submit a representation afresh to the respondents staking his claim for retaining at Rathnapur Kandli Gram Panchayath, Nirmal Mandal, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders within a period of four weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

17th October, 2019
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