APHC010574172026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3460]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 31381/2026

Between:

1. VELCHURI NARAYANAMMA, W/O M. MADHAVA, AGED 48 YEARS, OCC FIELD ASSISTANT (REMOVED), R/O. VINAYAKAPALLI GRAM PANCHAYAT, S. KOTA MANDAL, VIZIANAGARAM DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.522 238
2. DISTRICT COLLECTORCUMDISTRICT PROGRAMME COORDINATOR OF MGNREGS, VIZIANAGARAM DISTRICT AT VIZIANAGARAM.535 001
3. PROJECT DIRECTORCUMADDITIONAL DISTRICT PROGRAMME COORDINATOR OF MGNREGS, DISTRICT WATER MANAGEMENT AGENCY, VIZIANAGARAM DISTRICT.535 001

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the proceedings in

Rc.No.1054/2026/DVC/DWMA, dt. 06.10.2026 passed by the 3rd itrespondent thereby imposed recovery of amount of Rs.72,143/- on alleged misappropriation of NREGS funds and consequential proceedings in Rc.No.1054/2026/DVC/HR/DWMA, dt. 12.10.2026 thereby removed the petitioner from the post of Field Assistant working inVinayakapalli Gram Panchayat in S. Kota Mandal of Vizianagaram District, without considering the explanation dt. 23.05.2026 and 22.06.2026, without furnishing the 19th social audit inspection report dt. 15.04.2026 and Enquiry Reports dt. 06.07.2026, 05.08.2026 and 19.09.2026 and without passing speaking order, as illegal, irregular, arbitrary, violative of principles of natural justice,contrary to Field Assistants Human Resource Policy vide Circular No.666/EGS(p)/2012, dt. 08.01.2013 and consequently set aside the proceedings dt. 06.10.2026 and 12.10.2026and direct the respondents 2 and 3 to reinstate the petitioner into service for the said post

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased suspend the operationofproceedings in Rc.No.1054/2026/DVC/DWMA, dt. 06.10.2026 and Rc.No.1054/2026/DVC/HR/DWMA, dt. 12.10.2026 passed by the 3rd respondent and consequently direct the respondents 2 and 3 to reinstate the petitioner in the post of Field Assistant working in Vinayakapalli Gram Panchayat in S. Kota Mandal of Vizianagaram District, pending disposal of the main writ petition

Counsel for the Petitioner:

1. SRINIVAS AMBATI

Counsel for the Respondent(S):

1. GP FOR SERVICES III

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.31381 of 2026

ORDER:

1. The present Writ Petition is filed questioning the proceedings issued vide Rc.No.1054/2026/DVC/DWMA, dated 06.10.2026, by Respondent No.3, thereby imposing recovery of an amount of Rs.72,143/- for the alleged misappropriation of funds under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), and the consequential proceedings issued vide Rc.No.1054/2026/DVC/HR/DWMA, dated 12.10.2026, terminating the Petitioner from the post of Field Assistant in Vinayakapalli Gram Panchayat, S. Kota Mandal, Vizianagaram District, as illegal and arbitrary.

2. The Petitioner was appointed as Field Assistant in the year 2006 in Vinayakapalli Gram Panchayat in S. Kota Mandal of Vizianagaram District under the Mahatma Gandhi National Rural Employment Guarantee Scheme (for short, 'MGNREGS') and has been discharging her duties as such ever since. While so, a show-cause notice was issued on 13.05.2026, alleging that the Petitioner had misappropriated an amount of Rs.72,143/- of MGNREGS funds while undertaking works in the village. It is submitted that the alleged misappropriation

was noticed during the 19th Social Audit Inspection, as reflected in the report dated 15.04.2026. It is further submitted that the show-cause notice was issued enclosing only the charges, as shown in Annexure-I and the Social Audit Inspection Report dated 15.04.2026, as shown in Annexure-II, and the details of witnesses, as shown in Annexure-III, were not enclosed along with the show-cause notice issued to her contrary to Clause 13(B)(2) of the Field Assistants Human Resource Policy.

3. Later, the Petitioner submitted her explanation to the said show-cause notice and, while the explanation offered by the Petitioner was under consideration, she was suspended from service/kept out of employment on 10.06.2026. It is further submitted that Respondent No.3 relied on three enquiry reports, dated 06.07.2026, 05.08.2026 and 19.09.2026, without considering the explanations, dated 23.05.2026 and 22.06.2026, offered by the Petitioner, and passed the impugned order, dated 06.10.2026, imposing recovery of an amount of Rs.72,143/- from her. Thereafter, proceedings were issued on 12.10.2026, terminating the Petitioner from the post of Field Assistant in Vinayakapalli Gram Panchayat, S. Kota Mandal, Vizianagaram District. Aggrieved by the same, the present Writ Petition is filed.

4. Heard Sri Srinivas Ambati, learned counsel for the Petitioner as well as learned Standing Counsel for Respondents Sri M.S.R. Chandra Murthy.

5. The Petitioner had submitted detailed explanations, dated 23.05.2026 and 22.06.2026, to the show-cause notice issued against her, but the impugned order, dated 06.10.2026 only extracted the charges and the enquiry reports and reject the explanations offered by the Petitioner without assigning substantive reasons. Apart from that, there is a flaw in the procedure as penalty was imposed upfront making the order of termination a consequence. In fairness, the procedure should have been otherwise. Therefore, this Writ Petition is disposed of with the following directions:-

(i) The impugned orders issued vide Rc.No.1054/2026/DVC/DWMA, dated 06.10.2026 and Rc.No.1054/2026/DVC/HR/DWMA, dated 12.10.2026 are set-aside.

(ii) The Respondent-Authorities are directed to furnish copies of the enquiry reports relied upon and other relevant documents to the Petitioner within a period of two weeks from the date of receipt of a copy of this order.

(iii) Upon receipt of the documents, the Petitioner shall submit her explanation to the show-cause notice issued against her within a period of two weeks.

(iv) Thereafter, upon receipt of the explanation, the Respondent-Authorities shall pass a reasoned order after affording an opportunity of personal hearing to the Petitioner.

6. No order as to costs.

7. As a sequel, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 28.10.2026
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Dated:28.10.2026

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