

THE HONOURABLE SMT JUSTICE V. SUJATHA

WRIT PETITION No.20020 of 2023

ORDER:-

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in suspending the service of the petitioner as field assistant vide proceedings Rc.No.1876/2023/HRMS dt.12.07.2023 without issuing any notice and without providing any opportunity of hearing as illegal, arbitrary and consequently set aside the proceedings Rc.No.1876/2023/HRMS dt.12.07.2023.

2. Heard Sri S.V.S.S. Siva Ram, learned counsel for the petitioner and learned Government Pleader for Services IV appearing for the respondents. Perused the material on record.

3. The case of the petitioner, in brief, is that the petitioner was appointed as Senior Mate for Kummapalli village, Vepadu Mandal, Vijayanagaram District on 05th June 2015 under Mahatma Gandhi National Rural Guarantee Scheme by following the guidelines and the recommendations made by the respective Gram Panchayat. Subsequently, the petitioner was made as a

fixed tenure employee and she was promoted and designated as Field Assistant. The Field Assistant must work by following the job chart issued by the Project Director and the work entrusted by the authorities must be reported every week to the Mandal Parishad Development Officer. Ever since the date of appointment, the petitioner has been discharging her duties with utmost devotion and dedication to the satisfaction of her superiors without any remarks.

4. While things stood thus, to the surprise of the petitioner, the 3rd respondent herein suspended the petitioner from service vide proceedings Rc.No.1876/ 2023/H.R.M.S., dated 12.07.2023 without issuing any notice and without providing any opportunity of hearing. Said impugned suspension order was passed on the pretext that a representation dated 09.06.2023 was submitted by the villagers alleging dereliction of duties on the part of the petitioner and requested for removal of the petitioner from service and that an enquiry was sought to be conducted vide memo dated 22.06.2023 and report vide Rc.No.08/2023.APD.S.kota.Cluster dt.07.07.2023 was made wherein it is found that the petitioner is performing her duties in violation of 12.P(7) of the Field Assistant Human Resource Policy

issued under proceedings vide Cir.No.666/EGS(P)/2012 Dt.08.01.2013 and as such under 13.B.1(c) and 13.B.2 of the same, the petitioner was kept under "Temporary out of contract employment". Hence, the present writ petition.

5. Learned counsel for the petitioner contended that the 3rd respondent passed the impugned order without giving any opportunity to the petitioner; though the impugned suspension order refers to several proceedings as well as an enquiry neither copy of any of the said proceedings nor the enquiry report is furnished to the petitioner. Therefore, prayed to set aside the impugned proceedings.

6. Admittedly, as per the instructions issued vide G.O.Mo.679 dated 01.11.2008, the time limit prescribed for completion of enquiry in normal course i.e., within three (03) months in simple cases or 06 months in complicated cases; if the authorities have not able to enquire within the allowed time the authorities shall be held responsible for the delay, which deserves judicial action.

7. Therefore, considering the submissions made by the learned counsel appearing on both sides and on perusal of the material on record, in view of the urgency expressed by the

learned counsel for the petitioner, without touching the merits of the case, this court feels it appropriate to dispose of the Writ Petition, directing the respondents to conduct enquiry and conclude the disciplinary proceedings within a period of three (03) months, from the date of receipt of a copy of the order, after affording due opportunity to the petitioner.

8. Accordingly, the Writ Petition is disposed of at the admission stage. No order as to costs.

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

Date: 08.08.2023
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