



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

[3310]

**FRIDAY ,THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 14206/2022

Between:

Gunimini Ramudu, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.ACHUTARAMAIAH SRAVANAM

Counsel for the Respondent(S):

1.B V APARNA LAKSHMI

2.GP for Village and Ward Secretariats

The Court made the following Common Order:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Proceedings in Rc.No.D/43A/2021, dated 28.03.2022 issued by the 4th respondent thereby removing the petitioners from the post of Village Volunteer for cluster Nos.4 and 1 respectively of Vajjireddypalem Gram Panchayat, Kothapatnam Mandal, Prakasam District without conducting any enquiry and opportunity of hearing to the petitioners and on incorrect appreciation of facts and law as illegal, irregular, irrational, violative of

principles of natural justice, settled principles of service jurisprudence and offends Articles 14 and 21 of Constitution of India and consequently direct the respondents particularly the 4th respondent to reinstate the petitioners into service in the post of Village Volunteer for cluster Nos.4 and 1 respectively of Vajjireddypalem Gram Panchayat by paying all attendant benefits....”

2. Mr.Kanaka Raju, learned counsel representing Mr.Achutaramaiah sravanam, learned counsel for the petitioner and learned Assistant Government Pleader for Village and Ward Secretariats appearing for the respondent Nos.1 to 3; Ms.B.V.Aparna Lakshmi, learned Standing counsel appearing for the respondent Nos.4 and 5 are present.

3. Learned counsel for the petitioners submits that the 1st petitioner was appointed as Village Volunteer for Cluster No.4 and the 2nd petitioner was appointed as Village Volunteer for Cluster No.2 in Vajjireddypalem Gram Panchayat, Kothapatnam Mandal of Prakasam district on contract basis on 15.08.2019 with a consolidated monthly salary of Rs.5,000/- by Notification No.01/2019. Each volunteer is responsible for 50 houses in rural, 100 houses in urban areas to deliver welfare schemes to beneficiaries and ensuring services like pension, ration, etc.. While so, some residents of Vajjireddypalem Gram Panchayat given complaint to the 5th respondent against the

petitioners, alleging that they are not attending the meeting being conducted for volunteers, abused the Sarpanch of Vajjireddypalem and not properly delivering the government welfare services to the eligible beneficiaries. Basing on that, the 5th respondent issued Memo dated 04.02.2022 to the petitioners and the same was served to them on 05.02.2022, directing the petitioners to submit their explanation within 2 days from the date of receipt of the said memo. Accordingly, the petitioners submitted their explanation on the same day i.e., on 05.02.2022 denying the allegations made against them by enclosing a letter where 44 out of 50 members of their respective clusters putting their signatures. The 4th respondent without considering the explanation, has issued the proceedings in Rc.No.D/43A/2021, dated 28.03.2022 removing the petitioners from the post of Village Volunteers for Cluster Nos.4 and 1 of Vajjireddypalem Gram Panchayat, Kothapatnam Mandal, Prakasam district.

4. Learned counsel for the petitioners submits that the respondent authorities have removed the petitioners from the post of Village Volunteers due to local village petty politics with ulterior motive and malafide intention to appoint the candidates

of local politicians belonged to present rural party, without considering petitioners' explanation, without giving opportunity of personal hearing, which act is violative of principles of natural justice and in contravention of the settled principles of service jurisprudence. He further submits that such enquiries were never conducted nor any prior notices were issued to the petitioners nor opportunity of hearing was given to them before issuance of the impugned proceedings, which is against the infringement of petitioners' fundamental right to livelihood provided under Articles 14 and 21 of Constitution of India. Therefore, learned counsel requests this Court to pass appropriate orders.

5. Learned Standing Counsel submits that she filed counter affidavit on behalf of 4th respondent and denied all the allegations made in the petition. She further submits that some residents of Vajjireddypalem Gram Panchayat have given complaint on 20.01.2022 to the 5th respondent stating that the petitioners are not discharging their duties in the clusters and giving carelessness answers when questioned about welfare schemes of the government to the public and requested to take action against the petitioners and to remove them from the

post of Village Volunteers and suitable Village Volunteers may be appointed to Cluster Nos.1 and 4. Hence, the 5th respondent issued notice on 04.02.2022 to the petitioners and called for their explanation within two days from the date of receipt of notice. The petitioners have replied to the notice. The 5th respondent has submitted his enquiry report to the Mandal Parishad Development Officer, Kothapatnam stating that some allegations were made against the petitioners and he has issued notice to the petitioners for giving their explanations and they have given their explanations and recommended to take action against the petitioners. Basing on that, the MPDO, Kothapatnam has appointed the Extension officer (PR & RD), Kothapatnam as Enquiry officer and ordered to submit his enquiry report before 28.02.2022 vide Rc.No.D/43A/2021, dated 18.02.2022.

6. Learned Standing counsel further submits that the enquiry officer has issued notices to the petitioners to attend before him on 08.03.2022 at 11:00 AM in the office of Gram Panchayat, Vajjireddypalem village to enquire into the allegations made against the petitioners. The enquiry officer has enquired into the matter and recorded the statements of

the petitioners and submitted his enquiry report to MPDO, Kothapatnam vide Rc.No.02/2022, dated 22.03.2022 stating that the allegations made against petitioners were proved during enquiry and recommended to take action against the petitioners. Basing on the said report, perusal of statements of petitioners and Sarpanch of Vajjireddypalem, the MPDO, Kothapatnam has issued orders for removing the petitioners from the post of Village Volunteers from the cluster Nos.1 and 4 of Vajjireddypalem village and to make alternative arrangements in posts of Village Volunteers for smooth conduct of administration vide Rc.No.D/43A/2021, dated 28.03.2022, as the petitioners were failed in discharging their duties properly. She further submits that if any Village Volunteer is not able to provide satisfactory service, shall be discharged from the duties according to para No.2, sub para XVI, provision of discharge as per G.O.Ms.No.104, Panchayat Raj & Rural Development (MDL-1) Department, dated 22.06.2019. Hence, prayed to dismiss the petition.

7. Perused the material on record.

8. On perusing the material, this Court observed that, the 5th respondent has issued notices to the petitioners on 04.02.2022 for giving their explanations by the allegations made against them. The Enquiry Officer has also issued notices to the petitioners for offering their explanations on 03.03.2022 and to attend before the enquiry officer on 08.03.2022.

9. On hearing the submissions of petitioners' counsel and learned Standing counsel and upon perusing the counter affidavit filed by 4th respondent along with relevant material papers, this Court is of the opinion that, notices were issued to the petitioners and ample opportunity also given to the petitioners for submitting their reply. Hence, the submissions of petitioners' counsel that no notice was issued and no enquiry has made is incorrect. The 4th respondent after following the procedure contemplated, has removed the petitioners from the post of Village Volunteers as part of discharging her legitimate duty as per the powers vested with her as per G.O.Ms.No.104, Panchayat Raj & Rural Development (MDL-1) Department, dated 22.06.2019.

10. In view of the foregoing discussion, this Court is of the view that, nothing survives in the present writ petition for further adjudication. However, the petitioners are at liberty to challenge the impugned proceedings of the removal order issued by 4th respondent vide Rc.No.D/43A/2021, dated 28.03.2022 and to avail alternative remedies, in accordance with law.

11. With the above observations, the writ petition is disposed of.

There shall be no order as to costs.

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

BMS

Dr. K. MANMADHA RAO, J