

APHC010564672024



**IN THE HIGH COURT OF
ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction) [3331]**



FRIDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 684/2025

Between:

1.A SUBRAMANYAM, S/O. SUBRAMANYAM, AGED ABOUT 43 YEARS, OCC FIELD ASSISTANT, R/O. D.N 0.5-4, RAMAPURAM VILLAGE, BOORGAMANDA VILLAGE SODAM MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF RURAL DEVELOPMENT, SECRETARIAT, VELGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH.
- 2.THE DISTRICT COLLECTOR, CHITTOOR, CHITTOOR DISTRICT
- 3.THE PROJECT DIRECTOR, DISTRICT WATER MANAGEMENT AGENCY (DWMA), CHITTOOR DISTRICT, ANDHRA PRADESH.
- 4.THE ADDITIONAL DISTRICT PROGRAMME COORDINATOR, DISTRICT WATER MANAGEMENT AGENCY (DWMA), CHITTOOR DISTRICT, ANDHRA PRADESH.
- 5.THE MANDAL PARISHAD DEVELOPMENT OFFICER/PROGRAMME OFFICER, MGNREGS, SODAM MANDAL, CHITTOOR DISTRICT.
- 6.THE ASSISTANT PROJECT OFFICER M AND E, DISTRICT WATER

MANAGEMENT AGENCY (DWMA) CHITTOOR DISTRICT, ANDHRA PRADESH.

...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 to issue an order, direction, writ, more particularly Writ of Mandamus declaring the proceedings Rc.No. K8/129/2022 dated 16.11.2024 passed by the 3rd respondent thereby removed the petitioner from the post of Field Assistant working in Boorgamanda Village, Sodam Mandal, Chittoor District without considering the explanation dated 14.11.2024 properly and without conducting any enquiry as illegal, arbitrary and violative of principles of natural justice and violative of Article, 14 and 21 of the Constitution of India and consequently set aside the proceedings issued by the 3rd respondent vide Rc.No.K8/129/2022, dated 16.11.2024 by reinstating the petitioner into service and pass

IA NO: 1 OF 2025

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 to reinstate the petitioner as Field Assistant at Boorgamanda Village, Sodam Mandal, Chittoor District by suspending the proceedings of the 3rd respondent vide Rc.No.K8/129/2022, dated 16.11.2024, forthwith, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.K RAGHU VEER

Counsel for the Respondent(S):

1.GP FOR SERVICES IV

The Court made the following:

:ORDER:

Impugning the proceedings issued by respondent No.3 vide Rc.No.KA/129/2022 dated 16.11.2024, keeping the petitioner out of contract employment, permanently, the above writ petition is filed.

2. Heard Sri K. Raghuveer, learned counsel for the petitioner; Sri S. Raju, learned Assistant Government Pleader for respondent No.1; Sri M.S.R. Chandra Murthy, learned standing counsel for respondents 2 to 4 and 6 and Smt. B.V. Aparna Lakshmi, learned standing counsel for respondent No.5.

3. Learned counsel for the petitioner would submit that the petitioner was appointed as Field Assistant on 04.03.2022 under MNGREGS, in Boorgamanda Village, Sodam Mandal, Chittoor District and has been discharging duties without any remarks, since then. A show cause notice was issued to the petitioner *vide* Roc. No.K8/129/2024 dated 07.10.2024 (Ex.P4), for which, the petitioner submitted an explanation dated 09.10.2024 (Ex.P5), stating that the petitioner has been attending the office, however, respondents 5 and 6 are not allowing the petitioner to discharge his duties.

4. Learned counsel would further submit that earlier, the petitioner filed W.P.No.24454 of 2024 and the same was disposed of, by order dated 26.10.2024 directing the petitioner to submit an explanation to the notice issued by respondent No.3. After disposal of the said W.P.No.24454 of 2024, respondent No.3 issued notice dated 05.11.2024 directing the petitioner to appear in person, on 14.11.2024. Accordingly, the petitioner attended and submitted an explanation. However, the authority, without considering the explanation, passed the impugned order.

5. Learned standing counsel for respondents 2 to 4 and 6, on the other hand, would submit that the respondent passed the order, impugned in this writ petition, after considering the petitioner's explanation and against the said order an appeal would lie to respondent No.2 under clause 13 of Filed Assistant Human Resource Policy, 2013 (FAHRP).

6. The point for consideration is:

Whether the proceedings impugned (Ex.P1) suffer from illegality, warranting interference of this Court while exercising jurisdiction under Article 226 of the Constitution of India.

7. There is no dispute regarding the petitioner's appointment as Field Assistant; issuance of show cause notice; filing of W.P.No.24454 of 2024; issuance of notice dated 05.11.2024 by respondent No.3 directing the petitioner to appear in person on 14.11.2024 and petitioner's attending the inquiry and submission of his explanation.

8. A perusal of the explanation would disclose that the petitioner specifically pleaded that despite his attending the office, his attendance was not noted and the login was given to other persons. The specific allegation in the show cause notice is that the petitioner has not been attending work and in fact, absconded from duties since 01.07.2024. The petitioner, except pleading that he is attending the duties and the authorities have not taken attendance, failed to place relevant material before the authorities regarding his attending the attending duties. The petitioner could have filed the relevant material before the primary authority along with the explanation allowing the authority to consider the same.

9. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, normally will not adjudicate the disputed question of fact. The petitioner must disprove the allegations by placing cogent material. The impugned order was passed after considering the petitioner's explanation. The petitioner, without availing the alternative remedy of appeal, approached this Court by filing this writ petition. Though there is no bar from entertaining a writ petition, the writ petition cannot be entertained unless the order impugned suffers from a violation of principles of natural justice or without jurisdiction.

The case at hand, in the opinion of this court, will not fall under those exceptions.

10. Given the above facts and circumstances of the case, this court is of the considered opinion that the writ petition is liable to be dismissed because of the availability of an alternative remedy.

11. Accordingly, this writ petition is dismissed. No costs.

The findings, if any, recorded are only for disposal of the writ petition and not on the merits and will not come in the way of appellate authority. No costs.

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

JUSTICE SUBBA REDDY SATTI

Dated: 24.01.2025
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Dated: 24.01.2025
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