

APHC010557662014



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

[3457]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 28467/2014

Between:

1.K. KESAVA RAO, S/O. ATCHA RAO,, OCC: EX. FIELD ASSISTANT,
JADA GRAMA PANCHAYATH, JADA VILLAGE, G. SIGADAM
MANDAL, SRIKAKULAM DISTRICT.

...PETITIONER

AND

1.THE SPECIAL COMMISSIONER MEMBER SECRETARY, SOCIETY
FOR RURAL DEVELOPMENT SERVICES, (SRDS), O/O.
COMMISSIONER OF RURAL DEVELOPMENT, H. NO. 5-10-192,
HUDA HERITAGE COMPLEX, AADARSHRIAGAR, HILL FORT ROAD,
HYDERABAD, A.P.

2.THE DISTRICT COLLECTOR AND DISTRICT PROGRAM
COORDINATOR, NATIONAL RURAL EMPLOYMENT GUARANTEE
SCHEME, SRIKAKULAM DISTRICT, ANDHRA PRADESH.

3.THE PROJECT DIRECTOR DISTRICT WATER, MANAGEMENT
AGENCY SRIKAKULAM DISTRICT AND JOINT SECRETARY, SRDS,
SRIKAKULAM. A.P.

4.THE MANDAL PARISHAD DEVELOPMENT OFFICER, G. SIGADAM
MANDAL, SRIKAKULAM DISTRICT. A.P.

...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 appropriate writ, order or direction, particularly one in

the nature of Writ of Mandamus, declaring the Proceedings No. 50/2014/H.R dt. 27.02.2014 as conformed by 2nd Respondent vide Proc. No. 50/2014/H.R. dt. 30.04.2014, thereon besides recovery of the amount apportioned to me to an amount of Rs. 6,97,229/- through the 3rd Respondent's Proceedings No. 236/2014/D.V.C/E2 dt. 24.05.2014 as violative of the mandatory Rule 6 of the Social Audit Guidelines vide G.O. Ms. No. 250 Panchayat Raj & Rural Development (R.D.II) Department, dt. 08.07.2008, arbitrary, illegal, unjust, violative of Principles of Natural Justice, violative of the Fundamental Rights guaranteed under Article 14, 16, 19(1)(g) and 21 of Constitution of India, violative of oldie guidelines issued by this Hon'ble Court in W.P. No. 5747 of 2011 and batch of W.P. No. 14121 of 2009 and batch, violative of Circular No. 398/SRDS/37/SPM(DM) 2012 dt. 17.03.2012 the Rules laid down vide G.O. Ms. No. 98, Panchayat Raj and Rural Development, dt. 09.03.2010 for the purpose of conducting enquiry, social audit etc., and consequentially set-aside the same

IA NO: 1 OF 2014(WPMP 35636 OF 2014)

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 direct the Respondents to continue to engage my services in all present and future works, pending final disposal of the above writ petition.

IA NO: 2 OF 2014(WPMP 35637 OF 2014)

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 grant stay of all further proceedings pursuant to the Proceedings No. 50/2014/H.R. dt.27-0772-2014 as conformed by 2nd Respondent vide Proc.50/2014/H.R. dt.30-04-2014, thereon besides recovery of the amount apportioned to petitioner an amount of Rs.6,97,229/- through the 3rd Respondent's Proceedings No. 236/2014/D.V.C./E2 dt.24-05-2014

Counsel for the Petitioner:

1.K SANGAN NAIDU

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ & RURAL DEV (AP)

ORDER:

1. The petitioner is aggrieved by the order dated 30.04.2014, the proceedings dated 27.02.2014, and the proceedings of respondent No.3 dated 24.05.2014, whereby the respondents determined that the petitioner had misappropriated an amount of Rs.3,91,484/- while working as a Field Assistant.
2. The learned counsel appearing for the petitioner submits that the respondents have erroneously relied upon the social audit report and, based on the said report, determined that the petitioner had misappropriated the said amount without conducting any enquiry. It is submitted that, even as per the job card, the petitioner had no role in the disbursement of any amounts and that the disbursement of amounts was under the control of the superior officers. The petitioner further submits that none of the witnesses were examined and that no opportunity to cross-examine the witnesses was extended to the petitioner.
3. The respondents have not filed a counter in this matter. As such, this Court is inclined to dispose of the writ petition on merits. The orders under challenge have been perused. Three charges were framed against the petitioner, and the petitioner denied the said charges. The impugned proceedings dated 30.04.2014 indicate that the petitioner submitted his explanation before the Project Director and Joint Secretary. It is also stated that the petitioner did not personally attend the work spot of 48 groups due to ill health during the period from 01.07.2013 to 07.07.2013. The impugned

proceedings found the appeal submitted by the petitioner to be unsatisfactory and confirmed the orders passed by the Project Director.

4. The Project Director conducted a public hearing and verified the job cards issued in the village, upon which certain irregularities were found. The Project Director also referred to as many as 35 instances in which the petitioner was held answerable for misappropriation of amounts and, accordingly, ordered recovery of the said amount. The Project Director further recommended initiation of criminal action against the petitioner. The charges framed against the petitioner were found to be proved.

5. Misappropriation of public funds is a serious offence committed by a public officer while discharging official duties. However, in order to relate the petitioner with the alleged misappropriation and to direct recovery of the said amount, a fair opportunity ought to have been extended to the petitioner by conducting a proper enquiry and by providing an opportunity to cross-examine the witnesses.

6. In view of the above considerations, the matter is remanded back to the Project Director for conducting a proper enquiry and for passing fresh orders in accordance with law.

7. Accordingly, the present writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:21.04.2026
NKA

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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 21.04.2026

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