

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

**WRIT PETITION No.27147 of 2021**

**ORDER:**

The writ petition is filed seeking to issue a Writ, Order or Direction, more particularly one in the nature of Writ of *Mandamus* declaring the action of the respondent Nos.2 to 4 in not continuing and allowing the petitioner to perform his duties as Field Assistant in Saguturu Gram Panchayat of Ojili Mandal in SPSR Nellore District, without there being any Suspension Order or Termination Order as illegal, arbitrary, violative of principles of natural justice and the provisions of Field Assistants Human Resource Policy and the provisions of Mahatma Gandhi National Rural Employment Guarantee Scheme Act, 2005 and violative of Articles 14 and 21 of Constitution of India and consequently direct the respondent Nos.2 to 4 to continue the petitioner to perform his duties and to pass such other order or orders.

2. Heard learned counsel for the petitioner and Mr. M.S.R.Chandra Murthy, learned Standing Counsel for MGNREGS appearing for the respondents.

3. The petitioner who was appointed as Field Assistant in Saguturu Gram Panchayat, alleges that respondent No.4 orally informed him not to attend any duties from July, 2021 onwards and further insisted him to resign to the said post. Under such circumstances, he made a representation dated 06.08.2021 to

respondent No.3 to continue him in the said post. However, as there is no response, even after submission of representation to the 2<sup>nd</sup> respondent in Spandana program, the petitioner is constrained to approach this Court.

4. Learned counsel for the petitioner submits that the action of the respondents in not allowing the petitioner to perform the duties as Field Assistant, without issuing any notice or passing any order, is not sustainable in law. He further submits that as per the Field Assistants Human Resource Policy *vide* Circular dated 08.01.2013, even if the respondents intend to initiate any disciplinary proceedings, the Guidelines enumerated in the said policy are required to be followed. He submits that the action of the respondents in not allowing the petitioner to perform duties, without issuing any charge memo or suspension order, is contrary to the said policy and therefore, the petitioner is entitled for continuation of his service.

5. The learned Standing Counsel, on the other hand, while placing reliance on the written instructions dated 19.11.2021 submits that the allegations in the affidavit are not true and in fact the respondents have not come in the way of discharge of the functions by the petitioner as a Field Assistant. He further submits that certain complaints were received against the petitioner and the matter requires to be considered, after obtaining the report in this regard.

6. Considering the submissions made and in the light of the specific stand taken by the respondents to the effect that they are not interfering with the discharge of functions by the petitioner, this Court, deems it not necessary to go into the various contentions raised by the learned counsel for the petitioner. The petitioner is at liberty to attend duty and in the event, the respondents intend to initiate action with reference to the complaints received against the petitioner, they shall adhere to the Guidelines referred to supra before initiating any action.

7. Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel, all the pending miscellaneous applications in the writ petition, shall stand closed.

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**NINALA JAYASURYA, J.**

Date: 30.11.2021

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