

APHC010292242025



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

[3328]

MONDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 14783/2025

Between:

- 1.DASARI BABU, S/O (LATE) NARASIAH, AGED ABOUT 48 YEARS, OCC INCHARGE ENGINEERING CONSULTANT, R/O DR. NO. 26/3B-33-81, KANAPARTHI PETA, RAJAVARI VEEDHI, NELLORE RURAL, ANDHRA PRADESH.
- 2.K. SUNEEL KUMAR,, OCC COMPUTER OPERATOR AND ACCOUNTS ASSISTANT, R/O KODAVALURU MANDAL, SPSR NELLORE DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI, GUNTUR DISTRICT.
- 2.THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, ANDHRA PRADESH.
- 3.THE DISTRICT COLLECTOR, , CUM DISTRICT PROGRAM COORDINATOR MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME, ANDHRA PRADESH, SPSR NELLORE DISTRICT.
- 4.THE PROJECT DIRECTOR, THE DISTRICT WATER MANAGEMENT AGENCY AND THE ADDITIONAL DISTRICT PROGRAMME COORDINATOR, MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME, ANDHRA PRADESH, SPSR NELLORE DISTRICT.
- 5.THE OMBUDSMEN, MAHATMA GANDHI NATIONAL RURAL

EMPLOYMENT GUARANTEE SCHEME, ANDHRA PRADESH, SPSR
NELLORE DISTRICT.

6.THE APPELLATE AUTHORITY, ANDHRA PRADESH NATIONAL
RURAL EMPLOYMENT GUARANTEE SCHEME, AMARAVATI,
ANDHRA PRADESH.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.SINGAMSETTY V.M. SANKAR

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

ORDER:

Heard Sri S.V. Maruti Sankar, learned Counsel for the Writ Petitioners and Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj.

2. The prayer sought in the present Writ Petition is as under:

“It is therefore prayed that this Hon’ble Court may be pleased to pass an order(s) or direction more particularly one in the nature of Mandamus declaring the action of the Respondent No.6 in passing the award dated 13.08.2024 vide File.No.1/Appellate Auth/MGNERGS/2024 and as confirmed by Respondent No.1 vide Memo No.2587703/RD.II/A1/2024 dated 01.11.2024 and thereby issuing show cause notice and temporary removal order dated 07.12.2024 and not considering the explanation of the Petitioner dated 08.05. 2025 as illegal arbitrary, capricious, violative to cardinal principles of natural justice and Article 14, 19 and 21 of the Indian Constitution and thereby consequently setting aside (a) award dated 13.08.2024 passed by Respondent No.6 as confirmed vide Memo dated 01.11.2024 by Respondent No.1 (b) show cause notice and temporary removal order dated 07.12.2024 and (c) direct the Respondents to allow the Petitioners to perform his duties diligently by paying her all the dues and arrears and pass such other order or

orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. The above prayer would indicate that the Writ Petitioners are challenging the Award passed by the Appellate Authority dated 13.08.2024 bearing File No.1/Appellate Auth/MGNREGS/2024 (Ex.P.1), the Memo issued by the Principal Secretary to Government dated 01.11.2024 (Ex.P.2) and the Show Cause Notice issued by the Joint Secretary, SRDS dated 07.12.2024 (Ex.P.3). A Show Cause Notice is issued to the Writ Petitioners and some other persons seeking explanation within 7 days in respect of the proved charges mentioned therein. The impugned Proceedings are consequential in nature and emanate from the outcome of the Award passed by the Ombudsman, MGNREGS-DWMA, SPSR Nellore District dated 12.07.2023 (Ex.P.7).

4. The foundational facts are that certain persons have submitted a Grievance Petition on 14.09.2022 levelling certain allegations of misconduct, misuse and misappropriation of funds against seven persons working in MGNREGS. Similar Complaint was also received in Spandana on 19.09.2022. Consequent upon the Grievance Petition dated 14.09.2022 and the Complaint through Spandana dated 19.09.2022, the Respondent Authorities have issued Show Cause Notice on 20.02.2023 to all the seven persons. Writ Petitioners herein are two of the seven persons, who had received the Show Cause Notice dated 20.02.2023. At that point of time, Writ Petitioner No.1 was working as Incharge Engineering Consultant and Writ Petitioner No.2 was working as Computer Operator and Accounts Assistant i.e., from 26.08.2018 till the date on which the Show Cause Notice was issued. The Writ Petitioners along with five others have submitted a joint explanation on 20.03.2023 to the Show Cause Notice issued to various charges mentioned in the Show Cause Notice. On 20.02.2023 evidence was recorded and that several documents and persons involved in various transactions were also examined during the course of the enquiry by the Ombudsman. After considering the material on record and the contentions of

the seven persons against whom the charges have been framed, out of which, the Writ Petitioners are two of them, the Ombudsman, *vide* Award dated 12.07.2023 (Ex.P.7) had held as under:

“The undersigned inclines not to exercise any lenient view or tone down the severity of the disciplinary provisions towards the delinquent Pos/FTEs because, if the notoriously fraudulent mindset of the delinquent FTEs is compromised, it is as much likely that the likes of guilt as in this episode might as well inculcate a tendency, even a right to behave in ways that may as well further cause the reputational hurt to the very founding objectives of the MGNREGS. Any relaxation in enforcing discipline comes to stay as an almost willful celebration of moral equivalence; that one bad thing may equal any other bad thing, and that two wrongs make a right. When the delinquents behind the misappropriations/embezzlements of such humongous proportions let go unpunished, the other lawless in spirit will be encouraged to become lawless in practice, and having been subjected to no restraint, they thus become absolutely unrestrained.

In light of the conclusively proven guilt by all the aforementioned delinquent POs/FTEs, as also in view of their submission of identical explanation matching word to word by one and all, the undersigned holds all the aforementioned POs/FTEs jointly and severally guilty, responsible and accountable behind the embezzlement of Rs.28,26,735/- of MGNREGS funds in the MGNREGS programmes of Talamanchi GP, and pronounces his **AWARD** not only for launching disciplinary proceedings in accordance with the interpretations of the referred and reiterated disciplinary provisions of SRDS, detailed in the foregoing, but also for the recovery of the misappropriated amount of Rs.28,26,735/- from POs/FTEs work wise in proportion to their share of Involvement, as defined in terms of disciplinary guidelines for FTEs of SRDS (2012) Annexure-1, vis-à-vis nature of their misconduct/deviation committed by each PO/FTE, as follows;

Particulars of recoveries imposed.	Misutilized amount	L.Jyothi, PO	P.Subrahmanyan, PO	D.V.Narasimha Rao, PO	Y.V.Ramanaiah, APO (I/C)/TA		D Babu, EC	K. Suneel Kumar, CO	P. Brahmaiah, FA	Total
Amount of recovery enforced from each of PO/FTE	2826735	132737	99840	50096	282674	282674	282673	282673	1413368	2826735
Total	2826735	132737	99840	50096	565348		282673	282673	1413368	2826735

5. This Award dated 12.07.2023 was challenged before the Appellate Authority namely the Commissioner, Panchayat Raj and Rural Development (Respondent No.6). *Vide* Award of the Appellate Authority dated 13.08.2024, the Appel came to be dismissed (Ex.P.1). After the dismissal of the Appeal,

the Principal Secretary to Government had issued directions to the Director, PR & RD, to examine the Award passed by the Appellate Authority and to take immediate necessary action as per the rules and guidelines in force and furnish action taken report in the matter to the Government immediately. The Director, Panchayat Raj and Rural Development *vide* Order dated 25.11.2024 had directed the District Collector as follows:

- “a. To take immediate necessary disciplinary action as per the rules and guidelines in force on the Award of Appellate Authority (Pertaining to FTEs/Pos) as instructed by the Principal Secretary, PR & RD and
- b. To take necessary action for filing Counter Affidavit to the W.P.No.21522 of 2023 (Pertaining to MPDOs).”

6. As a sequel to the direction given by the Principal Secretary to Government dated 01.11.2024 and the Director, Panchayat Raj and Rural Development dated 25.11.2024, the District Collector had issued the impugned Show Cause Notice dated 07.12.2024 (Ex.P.3) as to why suitable action should not be initiated for the charges mentioned therein.

7. Insofar as the charges framed against the Writ Petitioners are concerned, the Ombudsman had considered each and every charge thread bear and had passed a detailed Award. The charges which are framed against seven persons, which includes the two Writ Petitioners, are of serious nature and the Ombudsman had held that all the charges have been proved against the seven persons. The gist of the findings rendered by the Ombudsman *vide* Proceeding dated 12.07.2023 (Ex.P.7) are found in the ‘conclusion’ part of the Award, which has not been extracted for the sake of brevity.

8. Nevertheless, having considered the contents of the Award passed by the Ombudsman dated 12.07.2023 (Ex.P.7) and the Order passed by the Appellate Authority (Respondent No.6) dated 13.08.2024 (Ex.P.1), this Court is of the considered opinion that the Writ Petitioners’ case does not merit any

consideration as the same is devoid of any merit. Accordingly, this Writ Petition is dismissed as being devoid of any merit. No order as to costs.

9. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 30.06.2025

Vns