

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 39620 OF 2014

ORDER:

None appears for the petitioner.

The petitioner sought for a writ of mandamus for declaring the action of the respondents in not allowing him to join duty, though he has submitted representations along with medical records, and keeping him out of employment without there being any order of termination or suspension, as illegal.

The case of the petitioner is that he was appointed as a Technical Assistant under the National Rural Employment Guarantee Scheme in April 2006. In 2009, based upon the social audit, several field staff, including the petitioner, were removed from service. However, pursuant to an order said to have been passed by this Court, the petitioner was also reinstated. He was posted from Karvetinagar Mandal to Pakala Mandal in Chittoor District. It is his case that on 04.08.2012, he met with a motor accident and sustained grievous injuries, for treatment of which, he got admitted into Sri Venkateswara Institute of Medical Sciences as an in-patient initially and subsequently, as an out-patient. After he has recovered fully, he approached the respondents for reinstatement. On the ground that he has not been reinstated so far, the present Writ Petition is instituted. The only material that has been enclosed to the affidavit filed in support of this Writ Petition, which contained very vague averments without any specifics, is a letter said to have been addressed by the Project Director to the Member Secretary of the Scheme at Hyderabad, wherein, the representation said to have been submitted by the petitioner on 26.04.2014 was adverted to. It is relevant to notice that from 04.08.2012 onwards, he has stayed away from service. The engagement under the National Rural Employment Guarantee Scheme itself is not a regular engagement or regular employment. A person cannot stay away from service without even

leaving an intimation or seeking leave of absence. Even though the petitioner may not be in a position to have submitted any such intimation, in view of his immediate hospitalization after meeting with an accident, after he has recovered, at least, he should have secured a leave of absence from service. No social welfare scheme can be run without the employees engaged for its implementation reporting to duty on regular basis. This apart, Sri Sriramachandra Murthy, learned Standing Counsel for Respondents 2 and 3 has brought to my notice that as on 27.09.2014 itself, through an endorsement, the request of the petitioner for his reinstatement has been rejected and the said fact has been communicated to him by the Project Director. That was not put in issue.

Hence, the Writ Petition is dismissed at the admission stage, as no legal right much less a fundamental right of the writ petitioner has been breached. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

21st January 2015

ksld