

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

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WRIT PETITION No. 19405 of 2006

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ORDER: (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed aggrieved by the order dated 10.03.2005 in O.A.No.6990 of 2001 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. The respondents herein are appointed on compassionate grounds in the place of the employees who retired on medical invalidation. While so, a complaint was lodged before the Lokayukta that several appointments were made without following due process of law, including roster, rule of reservation, local and non-local etc. The Lokayukta directed the Government to take necessary action in that regard. Consequently, the Government issued G.O.Ms.No.282, Panchayat Raj and Rural Development (Estt.V) Department, dated 12.09.2001, wherein a decision was taken to remove about 43 employees from service on the ground of irregularities in making the appointments on compassionate grounds. Questioning the said G.O., the respondents herein have filed a batch of applications before the Tribunal viz., O.A.Nos. 6990, 7304, 7328 and 6991 of 2001. The Tribunal, by orders dated 10.03.2005 disposed of the said applications. Against the said order, insofar as O.A.No.6990 of 2001 is concerned, this writ petition is filed.

3. Learned counsel for the petitioner submits that there is no dispute that the

appointments were made on compassionate grounds against medical invalidation, but after the appointments were made, the District General Secretary of Scheduled Castes Rights Protection Society, A.P., Medak, lodged a complaint before the A.P. Lokayukta, Hyderabad, complaining that the appointments were made in violation of the rule of reservations and grave irregularities have taken place. The Lokayukta while forwarding the complaint to the Government, directed the Government to take disciplinary action against the Chief Executive Officer, Zilla Parishad, Medak, and to remedy the injustice caused to SC/ST candidates. Pursuant to the orders of the Lokayukta, the Government issued G.O.Ms.No.282, PR & RD Department, dated 12.09.2001, directing the Commissioner, Panchayat Raj & Rural Employment, A.P., / Chief Executive Officer, Zilla Parishad, Medak, to terminate all the 43 compassionate appointments made by the former Chief Executive Officer by issuing notices and also initiate disciplinary action against the former Chief Executive Officer and his office staff. Questioning the G.O.Ms.282, PR & RD dated 12.09.2001, O.A.No.6990 of 2001 was instituted before the Tribunal. The Tribunal disposed of the O.A. by the impugned order directing to continue the applicants in service, and hence the impugned order is illegal.

4. On the other hand, learned counsel for the respondents submits that no notice was issued to the respondents and merely because a complaint was lodged by an unknown person for the reasons best known to him, without there being any basis, before the Lokayukta, which complaint was forwarded to the Government with a direction to take disciplinary action on the Chief Executive Officer, Zilla Parishad, Medak, the Government has issued G.O.Ms.No.282 dated 12.09.2001. Learned counsel further submits that the Tribunal has considered G.O.Ms.No.203 dated 24.07.2003 in the impugned order, and held that G.O.Ms.No.203 dated 24.07.2003 makes a provision stating that the persons who were already given appointments need not be removed. The learned counsel further submits that the grounds raised in the writ petition does not dispute the grounds on which the O.A.No.6990 of 2001 was allowed. Therefore, he submits that the impugned order does not suffer from any legal infirmity and hence the writ petition is liable to be dismissed.

5. Having considered the rival contentions, the point that arises for consideration is “whether the impugned order suffers from legal infirmity necessitating interference of this Court under Article 226 of the Constitution of India”?

6. It is not in dispute that the respondents were appointed on compassionate grounds in the place of employees who were medically invalidated, and pursuant to a complaint lodged before the Lokayukta that certain irregularities have taken place in the appointments, the Lokayukta forwarded the complaint to the Government and also directed the Government to take disciplinary action against the Chief Executive Officer, Zilla Parishad, Medak; and consequent to the direction of Lokayukta, G.O.Ms.No.282, PR & RD, dated 12.09.2001 came to be issued directing to terminate the appointments of the respondents by issuing notices. However, as no notice was issued to the respondents, the respondents approached the Tribunal. The Tribunal gave an interim direction of status quo directing to continue the applicants in service. Ultimately, the O.A. was allowed, holding that G.O.Ms.No.203 dated 24.07.2003 was issued by the Government directing to discontinue the appointments made on medical grounds, but the said G.O. makes a provision that the persons who were already given appointments need not be removed, but thereafter no person should be appointed on that ground. That factum is not disputed either in the grounds in the writ petition or across the bar by the learned counsel for the petitioner.

7. In the circumstances, we do not see any reason to interfere with the impugned order.

8. The writ petition is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

05th November, 2015

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