

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP. No.35336 of 2016

O R D E R:

Heard counsel for the petitioner, the Government Pleader for Panchayat Raj appearing for 1st respondent and Sri M.Chandra Murthy, Standing Counsel for 4th respondent.

2. Petitioner has assailed the proceeding dt.21.04.2016 of the 4th respondent in not renewing the contract of appointment of the petitioner beyond 30.06.2015.

3. Petitioner contends that the petitioner was appointed as a Field Assistant in Edatam Gram Panchayat, Payakaraopeta Mandal, Visakhapatnam District under Mahatma Gandhi National Rural Employment Guarantee Scheme and his appointment was renewed from time to time. As per the said scheme, the Government will provide minimum 100 days work to the workers per year and the Field Assistants have to mobilize the work as per the job card and supervise the works. When the renewal of the petitioner's appointment came up for consideration his contract was not renewed by the impugned order alleging that the petitioner has not facilitated turn over of the work as per the target of 75% and the work turned out by the petitioner is only 67% in Srirampuram Village, where he is working as Field Assistant.

4. Counsel for the petitioner has drawn the attention of the Court to the assessment of the petitioner's work by a Three Man Committee consisting of Mandal Parishad Development Officer,

Payakaraopeta, the Mandal Coordinating Officer, Payakaraopeta Mandal and the Revenue Divisional Officer, Narsipatnam wherein the said Officials have recommended extension of petitioner's contract on the ground that he has turned out not only 67 % target in Srirampuram but has also executed another work which is 11% of the labour budget Vs. person days in another related work and has thus exceeded the target of 75% by 3%.

5. This is not disputed by the Standing Counsel for 4th respondent. However, he contends that the 4th respondent has only taken into account the work turned out by the petitioner at Srirampuram Grampanchayath.

6. The impugned order does not give any reason why the recommendation of the Three Man Committee, that the petitioner has exceeded the target of 75%, is not accepted by the 4th respondent. Therefore, the 4th respondent cannot deny to the petitioner the right to seek extension of his appointment as a Field Assistant under the impugned order.

7. In W.P.No.28803 of 2016 decided on 02.09.2016 this Court in similar circumstances held that non-renewal of the contract of the petitioner therein was without applying mind. Similar conclusion has to be drawn in the present case too, and it is declared that non-renewal of the contract of the petitioner as Field Assistant for Srirampuram Grampanchayath, is bad.

8. Therefore, the Writ Petition is allowed; the impugned order of the 4th respondent dt.21.04.2016 is set aside; and the 4th respondent is directed to renew the contract of the petitioner on the basis of the assessment made by the Three Man Committee within a period of two (02) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

9. Consequently, miscellaneous petitions pending, if any, in this Revision shall stand closed.

20th October, 2016.
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M.S.RAMACHANDRA RAO, J

