

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.7885 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the 2nd respondent in issuing Letter No.1090/EGS/PM(P1)/2014, dated: 29.07.2015 and Letter No.1090/EGS/(FA)/2015, dated: 11.08.2015 directing the 4th respondent not to renew the contracts of Field Assistants who do not satisfy the guidelines mentioned therein and directing issuance of notification for filling up the vacancies so created and the consequential proceedings issued by the 4th respondent in Rc.No.79/ FA1A2/2015, dt.20-08-2015 terminating the services of the Petitioners as illegal, arbitrary, without jurisdiction, malafide, violative of the principles of natural justice, violative of the H.R. Policy and Disciplinary Rules issued by the 1st respondent vide Circular No.666/ EGS(P)/2012, dated: 08.01.2013 and consequently direct the respondents to continue the petitioner as field assistant under National Rural Employment Guarantee Scheme with all consequential and incidental benefits attached to the posts.”

Heard Sri P.V.V. Satyanarayana, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondents 1 to 3 and Sri M.S.R. Chdnamurthy, learned counsel for respondent No.4.

When the matter is called, it is represented by learned counsel for the petitioner so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.27468 of 2015 and batch, dated

03-12-2015 and copy of the same is also placed on record.

Following the above said order and for the reasons recorded therein, there shall a following similar order in this writ petition also.

- (1) *The respondent District Collectors shall form a committee of three officers consisting of Revenue Divisional Officer, any District level Officer, other than the District Panchayat Officer and Mandal Parishad Development Officer of respective mandals. The Committee shall hold its sittings in respective Mandal Parishad Development offices with advance intimation of date of holding of sitting to Field Assistants hitherto working within the territorial jurisdiction of concerned mandal, whose contract is not renewed, give them opportunity to explain the targets achieved by them which are not accounted/reasons for not achieving the targets, other constraints. The Committee shall also make available the assessment record of respective Field Assistants for perusal of concerned Field Assistants. The Committee shall consider said explanations objectively and make appropriate recommendations to the competent authority.*
- (2) *The competent authority shall consider the recommendations of the committee objectively and shall take decision for renewal of the contracts of petitioners having due regard to parameters set out while granting such renewal to others. Until the entire exercise is completed no fresh recruitment shall be made.*
- (3) *It is to be noted that if the contract of any of the petitioners is not renewed, they are entitled for consideration for fresh enlistment along with other candidates from open market, more so when the respondents also contend that the decision not to renew the contract of employment is not as a measure of penalty nor intending to attach stigma. Thus, respondents shall permit such of those petitioners*

whose contract is not renewed also to compete along with open market candidates and consider their suitability for appointment as Field Assistants if they are otherwise eligible and without regard to previous assessment undertaken at the time of renewal of contract.

Accordingly, the writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. There shall be no order as to costs.

Office to annex copy of the order in W.P.No.27468 of 2015 and batch, dated 03-12-2015.

A.V. SETHA SAI, J

March 11, 2016

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THE HON'BLE SRI JUSTICE A.V. SETHA SAI

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