

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 9449 of 2011

Date :7.9.16

Between :

D Veera Babu S/o D Appa Rao
O/o MPDO, Y Ramavaram Mandal
E G District

Petitioner

And

The Mandal Parishad Development Officer,
Y Ramavaram Mandal,
E G District and others

Respondents

The Court made the following:



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ORAL ORDER:

This writ petition is filed praying to grant the following relief:

“Issue a writ, order or or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in removing petitioner from service vide proceedings No. E/70/EGS/DWMA/07, dt. 21.12.2010 as arbitrary, illegal, unjust and set aside the same and consequently to direct the respondents to reinstate the petitioner into service and pass such other order or orders.”

2. Learned standing counsel for second respondent submitted that the contract appointment granted to the petitioner commenced on 1.4.2008 for a period of two years and was valid till 31.3.2010. After expiry of the period of contract, no relationship subsists with the respondents. Even before the completion of two years period, petitioner was unauthorisedly absent for a long time. After the tenure of contract was over, petitioner represented that he was suffering from chronic jaundice from 2.4.2010 to 29.6.2010 and requested for admitting him to duty. The matter was considered and proposals were submitted to the Commissioner. The Commissioner vide letter dated 2.12.2010 rejected the proposal on the ground that contract cannot be renewed since he was absconding from duties.

3. It is not in dispute that the contract was for a period of two years and it ended on 31.3.2010. It is also not in dispute that petitioner was absent from duties for more than a year. After the period of contract was over, question of granting leave for a contract employee and admitting him to duty would not arise. I therefore, do not see any error in the decision of the Commissioner rejecting the proposal for renewal of

contract. More over, this case is pending since 2011 and no interim order was granted. For a contract employee whose term of contract ended on 31.3.2010, no direction can be given to induct him into service at this distance of time. Writ Petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:7.9.2016
TVK

P NAVEEN RAO,J



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