

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.25686 of 2009

ORDER:

Heard Mr. A. Prabhakar Rao for petitioner; learned Assistant Government Pleader for respondents 1 to 3 and Mr. G. Narender Reddy for respondent No.4.

2. The petitioner challenges order dated 13.11.2009 terminating the services of the petitioner as Additional Programme Officer of Venkatapuram Mandal, Khammam District.

3. The admitted circumstances are as follows:

The second respondent through order dated 05.06.2006 appointed the petitioner as Additional Programme Officer for a fixed term of two years. The last extension was granted up to 31.03.2010. Before the expiry of the extended term, show cause notice dated 22.10.2009 was issued to the petitioner. The charges against the petitioner are as follows:

Sl.No.	Subject
1.	You are not obeying the instructions of Mandal Parishad Development Officer and refused to converse with him over telephone and not having telephone issued by the Government.
2.	On 1.9.2009 you have asked EGS staff not to come to the office if they work in pensions related works.
3.	On 2.9.2009 you have sent a blank cheque to the Mandal Parishad Development Officer to commit cheating.
4.	On 3.9.2009 you refused to go the chamber of the Mandal Parishad Development Officer during the working hours when you are called by attenders and refused to even after you are called by Mandal Parishad Development Officer.
5.	On 5.9.2009, 6.9.2009, 12.9.2009 you are absented from duty without any intimation.
6.	On 6.9.2009 when the Mandal Parishad Development Officer was on camp when some labour came for wages to the MPDO Office you abused them and also threatened them and you have not passed on the information to the MPDO, as such you have shown dereliction in discharging the duties.

7.	You have not signing pay orders pertaining to payment of wages to the labour in time which resulted delay in payment of wages to Labour.
8.	You are coming to the office on your own accord and the attendance register is kept in Almirah without sending the same to the MPDO.
9.	You are taking 7 to 10 days for signing the pay orders.
10.	You are sending the pay orders for signature without maintaining serialim and without making entry in the muster books and you are not maintaining watch register, stock register and cash books.
11.	You are closely moving with political leaders.
12.	When the District Collector, Khammam, came to the Mandal recently you are found in intoxication, in office and not residing at Mandal Head Quarters.

Petitioner submitted explanation and the third respondent through the impugned order terminated the petitioner.

4. This Court, on 26.11.2009, granted interim suspension of the order terminating the petitioner. Respondents have filed petition to vacate the said order.

5. Mr. A. Prabhakar Rao, appearing for petitioner, vehemently contends that the order impugned in the writ petition suffers from violation of principles of natural justice, non-consideration of explanation submitted by petitioner and failure to record reasons for terminating the services of the petitioner. The effort of learned counsel is to persuade this Court to set aside the proceedings impugned in the writ petition and direct the third respondent to reconsider and pass appropriate orders afresh.

6. With the assistance of learned counsel appearing for respondents, I have perused the stand taken in the counter affidavit. The grounds urged by counsel for petitioner, this Court is of the view, need not be considered for the simple reason that the term of contract was extended till 31.03.2010. The working of petitioner was not only dissatisfactory but against the conduct expected from the Additional Programme Officer. The term of contract

appointment was extended to 31.03.2010 and the petitioner, at best, is entitled to ask for continuing in service up to 31.03.2010 but not thereafter. On account of the interim order granted by this Court, the petitioner has been working till date. I am of the considered view, in the instant fact situation, to examine the observation for academic purpose, record findings or remit the matter to respondents for fresh consideration. The petitioner does not have right after 31.03.2010. This Court is convinced both on facts and on account of expiry of the last extension that no relief can be granted to petitioner.

The writ petition fails and is accordingly dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S.V. BHATT, J

June 24, 2016
DSK