

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.17983 of 2016

ORDER:

Heard the learned counsel for petitioners and the learned Government Pleader for Panchayat Raj (AP) for respondents.

2. The petitioners were appointed as Field Assistants in the year 2007 on contract basis under the Mahatma Gandhi National Rural Employment Generation Scheme and their appointments were 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 petitioners' appointments came up for consideration, their contracts were not renewed basing on the performance reports generated. Challenging non-renewal of contracts, the writ petitioners and similarly situated other Field Assistants filed several writ petitions and this Court, by a common order dated 31.12.2015 in W.P.No.27468 of 2010 and batch, held that by non-renewal of the contract, no stigma is attached, as the tenure of their contracts came to an end by 30.06.2015.

However, this Court issued the following directions.

“111. 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.

112. 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.

113. 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.”

3. Pursuant thereto, a notice was issued to the petitioners giving them an opportunity to submit explanation before the Committee. The petitioners submitted their explanations before the Committee on 19.02.2016 and when no action was taken, the petitioners filed the present writ petition questioning the inaction of the respondents.

4. When this matter was taken up for consideration, the learned counsel for the petitioners submitted that the Committee recommended the case of petitioners 2 and 3 for renewal of their contract and hence, the writ petition is not pressed insofar as petitioners 2 and 3 are concerned. However, in respect of the first petitioner, since he admitted before the Committee that he has not achieved the target, the Committee has not recommended the case. Consequently, the contract of the first petitioner was not renewed.

5. In the circumstances, the writ petition is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 25.07.2016

TJMR