

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.23143 of 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj, appearing for respondents.

2. The petitioners have filed this Writ Petition questioning orders passed by the 4th respondent terminating their services on 11-08-2015.

3. Petitioners were employed as Field Assistants of the Mahatma Gandhi National Rural Employment Guarantee Scheme in the respective Gram Panchayats. On the ground that they did not satisfy certain guidelines which prescribed that they should achieve 75% of the persondays of approved budget and minimum of 5,000 per centdays during the period 01-07-2014 to 30-06-2015, their contracts were not renewed by 4th respondent.

4. Petitioner Nos.1 to 3 had questioned the same in separate Writ Petitions before this Court in W.P.Nos.26756, 27377 and 27400 of 2015.

5. These Writ Petitions were allowed on 31-12-2015 directing the District Collector to constitute Three Member Committee with Revenue Divisional Officer and Two other District Officers other than the District Panchayat Officer and MPDO of respective Mandals to enquire into the matter, to consider the explanations of the Field Assistants objectively, and to make appropriate recommendations to the competent authority.

6. Thereafter Revision Division Wise, Three Members Committees were constituted and opportunity was given to the Field Assistants like the petitioners to file their explanations and to hear them in person.

7. Petitioner Nos.1 to 3 filed individual explanations dt.13-02-2016 for not achieving the prescribed target, copies of which were filed along with the counter affidavit.

8. However, in the report submitted by the said Committee to the competent authority, there is neither any reference to the explanations submitted by petitioners nor its consideration and there are no reasons assigned why the explanations offered by each of the petitioners is not accepted. The very purpose of constituting the Three Man Committee by this Court was to ensure that there is no arbitrariness in the action of 4th respondent in not renewing their contracts. The Court has specifically directed that the explanations of the Field Assistants, whose contracts were not renewed, be considered objectively. This does not appear to have been done for the aforesaid reasons.

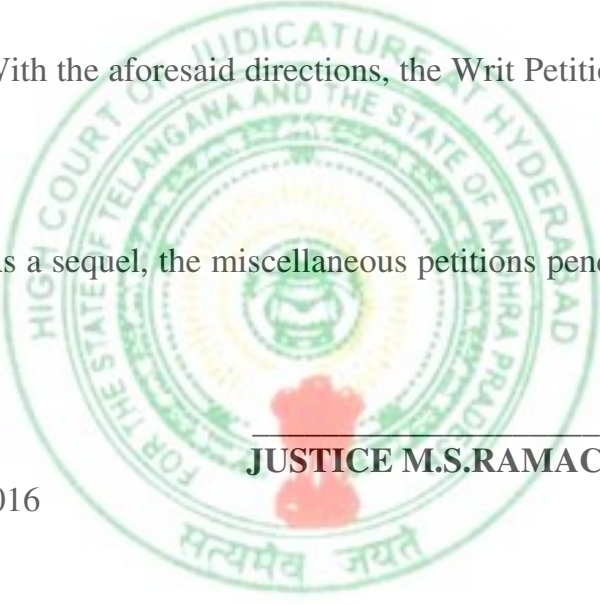
9. Therefore, the impugned orders passed on 06-05-2016 in respect of petitioner Nos.1 to 3 by 3rd respondent on the basis of the recommendations of the Three Member Committee cannot be sustained. Accordingly they are set aside. The matter is remitted back to the Three Member Committee constituted by the 3rd respondent to consider the explanations of petitioner Nos.1 to 3 and give reasons why those explanations are not valid, if it is felt that the petitioners' contracts as Field Assistants cannot be renewed. This exercise shall be completed by the

Three Member Committee within six weeks from the date of receipt of a copy of this order and the decision taken by the Three Member Committee as well as the decision taken by the 3rd respondent on the basis of recommendations of the said Committee should be furnished to the petitioners.

10. As regards 4th petitioner, since no proceeding indicating any decision taken by 4th respondent not to renew her contract is filed, liberty is granted to 4th petitioner to file separate Writ Petition in the event her contract also was not renewed like the petitioner Nos.1 to 3 herein.

11. With the aforesaid directions, the Writ Petition is disposed of.
No costs.

12. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 14-11-2016
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