

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 25810 of 2016

Order:

The petitioner was selected and appointed as Field Assistant in respect of Sunnapurallapalle, Yerraguntla Mandal, YSR Kadapa District on 08.01.2014. When the third respondent passed orders on 14.08.2015 terminating his services with retrospective effect on the ground that his services are no more required for the Gram Panchayat, the present Writ Petition was filed.

2. Learned counsel for the petitioner submits that the termination took place because of the proceedings of the second respondent dated 11.08.2015 categorising the Gram Panchayats into three classes and on the ground that the petitioner has not achieved the 75% target.

3. But, the learned Standing Counsel for the third respondent submits that the Gram Panchayat comes under Category-II which is in the range of 1000 to 5000 man days and the services of the Field Assistant are not required in such cases. He placed reliance on the very same proceedings issued by the second respondent on 11.08.2015.

4. The guidelines provided in the said proceedings says that the Field Assistants have to generate above 75 percentage of the approved labour budget and minimum of 5000 person days shall be entitled to renewal of the contract. The provision of automatic conversion from Field Assistant to Senior Mate is withdrawn and the concerned Gram Panchayat shall be considered as vacant Senior Mate Gram Panchayat in respect of List-II Gram Panchayats. The vacancies of Field Assistants shall be filled up only in respect of List-I Gram Panchayats. In respect of List-III Gram Panchayats the positioning of Field Assistant/Senior Mate are banned.

5. Since the Gram Panchayat comes under List-II, there is no need for appointment of Field Assistant and a Senior Mate has to be appointed. Though the learned counsel tried to impress upon the Court that the petitioner achieved the target of 75%, in view of the categorization of the Gram Panchayats, the achievement of the petitioner has no relevance when compared to the person days which are reckoned for categorization. The categorization of Gram Panchayats is a policy matter taken by the Government, pursuant to which the second respondent issued the circular dated 11.08.2015. This Court cannot hold that such circular is bad.

6. In the circumstances, the Writ Petition is dismissed. However, this will not prevent the respondents from considering the case of the petitioner in case the vacancy of Field Assistant is filled up in future. There shall be no order as to costs.

7. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 17.08.2016
Nsr

RAMALINGESWARA RAO, J