

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.5147 of 2013

ORDER

This writ petition is filed seeking to direct the respondents to continue the petitioner as Field Assistant in Varikuntapadu Mandal, SPSR Nellore District under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS).

The petitioner joined as Field Assistant in the 2nd respondent office and worked as such from 21.07.2007 to 22.10.2009 and from 22.10.2009 to January 2012. Thereafter, due to ill health, he did not attend the duty. After recovery, he made a representation dated 22.2.2012 to the respondents seeking permission to join duty. Pursuant to the same, the 2nd respondent sent proposal to the 1st respondent *vide* proceedings 22.2.2012 to consider his case for continuance as Field Assistant. But, so far, no orders have been passed. Hence, the present writ petition is filed.

The first respondent filed counter-affidavit, wherein it is stated that as per the circulars issued by the 3rd respondent dated 27.11.2010 & 24.3.2012, if any contract employee is absent continuously for

one month, he shall be deemed to have been terminated without issuing any notice. The petitioner did not obtain any permission before going on leave. He was unauthorizedly absent from 23.10.2009 to 20.2.2012 i.e., for a period of two years, four months and six days. The petitioner submitted a representation dated 22.02.2012. In pursuance of the same, the second respondent addressed a letter to the first respondent to consider the case of the petitioner for continuance as Field Assistant. The first respondent addressed a letter dated 1.9.2012 to the 3rd respondent. The 3rd respondent instructed the first respondent to act as per the Circulars dated 27.11.2010 & 24.3.2012. Further, one Deramgula Kondala Rao was appointed as Field Assistant on 4.3.2012 in Peddireddipalli village and there is no post vacant as on today.

It is clear from the facts of the case that the petitioner was un-authorizedly absent for a period of two years, four months and six days. He submitted a representation after the said unauthorized absence seeking permission to join duty. Though his case was recommended by the second respondent, the first respondent appointed Deramgula Kondala Rao on 4.3.2012 in

Peddireddipalli Village, where there is no post of Field Assistant as on today.

In the circumstances, no relief can be granted in this writ petition.

Hence, the Writ Petition is dismissed. However, the dismissal of the writ petition does not disentitle the petitioner to be appointed as Field Assistant as and when vacancy arises by considering his past experience. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

4th August, 2016

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