

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE THIRD DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.3066 of 2016

Between:

D. Brahmmaiah, S/o. Venkata Swamy,
Aged about 35 years, Occ: Field Assistant,
Baddipudi Village, Ulavapadu Mandal,
Prakasam District.

.. Petitioner

AND

The State of A.P.,
Rep. by its Principal Secretary,
Panchayat Raj & Rural Development Department,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3066 of 2016

ORDER:

It is represented by the learned counsel for the petitioner as well as the learned Special Counsel for the respondents that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.27468 of 2015 & batch, dated 31.12.2015. This Court, while disposing of the batch of writ petition, directed as under:

“110. Points 1 and 2 are answered against petitioners and point 3 is answered in favour of petitioners. While holding that communication impugned in the writ petitions does not amount to stigma and that since tenure of appointment having come to end on 30.6.2015 no positive direction to reinstate/ to renew contract can be granted, the writ petitions are disposed of with 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.

114. The Writ Petitions are disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions if any pending in these writ petitions shall stand closed.”

2. Following the said direction, this Writ Petition is also disposed of by directing the respondents to extend the orders passed therein to the petitioner also. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

Date: 3rd February, 2016

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.3066 of 2016

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Date: 3rd February, 2016

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