

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.4742 OF 2017

Dated:13.02.2017

Between:

Kolli Naga Raju, S/o. Kolli Lazare,
Aged about 26 years, Occ: Field Assistant
(Under termination), R/o.D.No.8-5,
Lingamparthy Village, Yeleswaram Mandal,
East Godavari District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Department of Panchayat
Raj and Rural Development, Secretariat
Buildings, Velagapudi, Guntur District
and others .. Respondents



The Court made the following:

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ORDER:

The petitioner is aggrieved by the order of non-renewal of contract as Field Assistant. The petitioner alleges that there is no compliance of the directions issued by this Court on 31.12.2015 in W.P.No.27468 of 2015 and batch and no reasons are assigned by the Three-Men Committee why his explanation is not satisfactory whereas the reasons assigned by the petitioner are sufficient to prove that non-renewal of contract was illegal.

2. When this matter is taken up for hearing, learned counsel for the petitioner and learned Special Standing Counsel representing the Project Director, District Water Management Corporation, submit that the subject matter of this Writ Petition is covered by the decision of this Court in W.P.No.41245 of 2016 and batch, dated 02.02.2017.

3. In W.P.No.41245 of 2016 and batch, this Court held as under:

“19. As noted above, in all these writ petitions learned Special Standing counsel, representing the respondents fairly submits that reasons are not recorded by the three-man committee or the Committee has not answered the specific objection of the individuals and the final recommendation of the Committee is only “as not recommended”.

20. Having regard to the above findings, I am of the considered opinion that the exercise undertaken by the respondents in pursuant to the direction issued by this Court in W.P.No.27468 of 2015 and batch dated 31.12.2015 is not in accordance with the said directions and is in clear violation of the basic principles as to how a decision has to be taken by the competent authority, i.e., decision must be supported by reasons, more so, when it affects a person's right to public employment. In the instant case, the decision of the Committee is affecting petitioners' right to claim public employment or continuation of their service on contract basis with the 2nd respondent as Field Assistants and when such claim is affected, the decision must be supported by reasons. As noted above, the Collector has simply accepted the recommendations of the Committee and

passed orders and the District Collector is not the competent authority.

21. Thus, the writ petitions are allowed. The matters are remitted to the stage of consideration by the three-man Committee. The Committee shall assign due reasons in support of its recommendation on each of the petitioners after consideration of the explanations already submitted and on due verification of the relevant records. It shall forward its recommendations to the Project Directors concerned. On consideration of such recommendations, the respective Project Directors shall pass orders as required in each of the cases. The entire exercise shall be completed within a period of 30 days from the date of receipt of copy of this order.

22. Since the matters are remitted to the stage of consideration of three-man committee constituted as directed by this Court in Para No.111 in W.P.No.27468 of 2015 and batch dated 31.12.2015, as directed in Para 112, till the decision is made in accordance with the directions issued in these batch of writ petitions, no further appointments shall be made at the places earlier occupied by petitioners. There shall be no order as to costs."

4. Following the said decision and the reasons assigned therein, this Writ Petition is also allowed. The order impugned is set aside. The matter is remitted to the stage of consideration by the Three-Men Committee. The Three-Men Committee shall consider the objections of the petitioner for not achieving the targets objectively and by assigned due reasons shall submit its recommendations to the Project Director and based on the recommendations of the Three-Men Committee, the Project Director shall pass appropriate orders. The Entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:13.02.2017

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