

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1390 OF 2017

Dated:17.01.2017

Between:

Rathod Shoba, W/o. Shivilal,
Aged 26 years, Occ: field Assistant
(under removal) Grampanchayat
Gulla (big), O/o. MPDO, Jukkal,
Nizamabad District, now Kamareddy
District, R/o. Peddagulla Thanda,
Jukkal Mandal, Kamareddy District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary to Government,
Rural Development Department,
Telangana Secretariat, Hyderabad
and others

.. Respondents



The Court made the following:

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ORDER:

The petitioner was appointed as Field Assistant on 05.12.2009 in Gull (Big) Gram Panchayat of Jukkal Mandal under Mahatma Gandhi National Rural Employment Guarantee Scheme (for short, 'the Scheme') on 05.12.2009. Thereafter, by proceedings dated 16.12.2010, the petitioner was removed from service on the allegation that she was involved in enrolment of bogus names of labour and responsible for misuse of funds under the Scheme. Aggrieved by the same, the petitioner filed an appeal, but the same was rejected. The petitioner was accused No.1 in C.C.No.94 of 2012 on the file of the Judicial Magistrate of First Class, Bichkunda, and by judgment, dated 03.06.2016, she was acquitted on the said allegation. Therefore, the petitioner claimed to have filed a representation on 17.08.2016 to take her back as a consequence to the acquittal granted.

2. It is not in dispute that the petitioner was appointed as a Field Assistant on contract basis for a period of one year and as a consequence to termination of her services, the contract of employment stood terminated in the year 2010.

3. Learned Standing Counsel for the Project Director, District Water Management Authority and Joint Secretary, Nizamabad District, the 3rd respondent, submits that some other person was appointed as Field Assistant in the place of petitioner.

4. Since the relationship with the employer was only contractual for a period of one year and the contract was not renewed, the question of reinstatement of the petitioner on the ground that she was subsequently acquitted by the Judicial Magistrate of First Class, Bichkunda, does not arise and therefore the relief sought for in the Writ Petition cannot be granted to her and the same is liable to be dismissed.

5. The Writ Petition is accordingly dismissed in limini. However, it is observed that as and when a fresh recruitment process is initiated, the petitioner is entitled to apply and the petitioner's application may be considered subject to fulfilment of all other conditions of employment. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date: 17.01.2017

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P. NAVEEN RAO, J