

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4471 OF 2017

DATED : 10.02.2017

Between :

Katta Pothu Raju Swamy S/o.Venkat Narsimha Rao,
Aged about 50 yrs, Occu : Senior Mate,
R/o.Nandamuru Village, Pedana Mandal,
Krishna District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary-Panchayat Raj &
Rural Development (RD.II), Secretariat,
Hyderabad

.. Respondents



This court made the following :

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ORDER :

Heard. With the consent of both counsel, the writ petition is disposed of at the admission stage.

2. Petitioner was appointed as Senior mate in Nandamuri Village, Pedana Mandal, Krishna District. The grievance of the petitioner is that he is not allowed to discharge the work as Senior mate and is not paid wages to him and he was not served with order dispensing with his service.

3. Instructions are furnished to learned Special Standing Counsel by the Project Director, DWMA, Krishna. The instructions disclose that on account of low performance by the senior mate, Nandamuru Gram Panchayat, is classified as low potential Gram Panchayat and included in List-III. Therefore, there is no requirement of senior mate and thus his services are not continued.

4. A reading of the letter dated 09.02.2017 would disclose that the petitioner's services are not utilized on the ground that his performance output was not up to the mark i.e., generation of 75% of persondays.

5. It is also clear from reading of this letter that behind the back of the petitioner, such assessment was made without affording due opportunity to the petitioner affirming the stand of the petitioner. No such decision could have been taken without affording due opportunity to petitioner. The letter dated 09.02.2017 of the Project Director, DWMA, Krishna, is taken on record.

6. On the issue of affording due opportunity regarding assessment of performance of field assistants and the senior mate, this Court disposed of W.P.No.27468 of 2015 & batch vide order dated 31.12.2015 which is affirmed by the Division Bench in W.A.No.719 of 2016. This Court issued following directions in W.P.No.27468 of 2015 & batch as under :

***“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.”

7. Following the said decision, this writ petition is also disposed of. The petitioner's case may be placed before a three member committee as directed in the above judgment, if already constituted in Krishna District and if such Committee is not constituted, a Committee as directed in the said judgment be constituted and petitioner be given opportunity in terms of the directions issued thereon. After affording due opportunity and on consideration of the justification given by the petitioner, the Committee shall make appropriate recommendations supported by reasons. On consideration of such recommendations, the Project Director, shall pass appropriate orders as warranted by law. The entire exercise shall be completed within a period of two (2) months. There shall be no order as to costs.

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

10th February, 2017
Rds

P.NAVEEN RAO,J