

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

**WRIT PETITION Nos.26709, 27884, 35885, 36090, 37879,
39001, 39027, 39164, 40334, 39432, 39895 & 35283 OF 2015**

Dated:08.02.2017

W.P.No.26709 of 2015

Between:

Genji Eswar Reddy, S/o.Subramanyam Reddy,
Aged 37 years, Occ: Field Assistant,
Sanambatla Gram Panchayat, R.o. Sanambatla,
Chandragiri Mandal, Chittoor District .. Petitioner

AND

State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj and
Rural Development Department,
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

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39001, 39027, 39164, 40334, 39432 & 39895 OF 2015**

COMMON ORDER:

When these matters are taken up for hearing, learned counsel for the petitioners and learned Standing Counsel representing the Project Director, District Water Management Corporation, submit that the subject matter of these Writ Petitions is covered by the decision of this Court in W.P.No.27468 of 2015 and batch, dated 31.12.2015, wherein this Court issued the following directions.

“107. It appears no such performance appraisal was made in the presence of petitioners. Admittedly, no prior opportunity was given to petitioners. There may be some truth in the contentions urged by petitioners on individual grievances briefly referred to above. If only petitioners were put on notice they could have endeavoured to satisfy the competent authority that the targets set are achieved or for valid reasons targets could not be achieved, or certain material facts ought to have been taken note of before assessing the performance. Though it is for the employer to accept the defence or reject, fairness required, more so in view of Clause 15 extracted above to afford some kind of opportunity before deciding not to renew contract. More particularly, having regard to Clause 15 of the contract, such opportunity ought to have been given.

*109. Guided by the principle of law in **SHRILEKHA VIDHYARTHI**, not granting opportunity to petitioners prior to taking decision not to renew contracts has to be held as failure to comply with the basic requirements of Article 14, arbitrary, unfair and unreasonable. Orders impugned are also stereotyped orders.*

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.”

2. Following the said the order, dated 31.12.2015 in W.P.No.27465 of 2015 and batch, these Writ Petitions are also disposed of directing the Project Director, District Water Management Corporation and the District Collector to follow the directions, as extracted above, in the case of the petitioners herein also and take further course of action, if not already implemented the said directions. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:08.02.2017

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