

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16089 OF 2017

DATED : 28.04.2017

Between :

Bade Krishna S/o.Appa Rao,
Aged 37 yrs, Occu : Field Assistant (Removed),
R/o.Mangavaram Village, Payakaraopeta Mandal,
Visakhapatnam District & others.

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Petitioners

And

State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Panchayat Raj & Rural Development Department,
Secretariat, Velagapudi, Amaravati, Guntur District & others.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16089 of 2017

ORDER :

This writ petition is filed to declare the proceedings in Rc.No.388/2015 (HR Cell) dated 21.04.2016 passed by the 4th respondent removing the petitioners from the post of Field Assistants in their respective Gram Panchayats by cancelling the contract of service without considering the explanations filed by the petitioners and the recommendations of the Three Officers Committee as illegal, arbitrary and in violation of principles of natural justice and consequently to set aside the same and direct the respondents to reinstate the petitioners as Field Assistants.

2. When the matter is taken up, learned counsel for the petitioners as well as learned Special Standing Counsel, submits that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.41245 of 2016 & 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 for the reasons assigned therein, this writ petition is also allowed and the matter is remitted to the stage of consideration of the issue by the three man committee appointed in pursuant to the directions issued by this Court in W.P.No.27468 of 2015 & batch. The respondents are directed to follow the directions in W.P.No.41245 of 2016 and batch extracted above. Till a decision is made no further

appointments may be made in the places earlier occupied by petitioners. There shall be no order as to costs.

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

28th April, 2017
Rds

P.NAVEEN RAO,J

