

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.777 OF 2017

Dated:20.01.2017

Between:

M. Gangadhar, S/o.M. Gangaiah,
Aged 50 years, Occ: Field Assistant,
Mahadevapalli Gram Panchayat,
YSR Kadapa District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj
Department, Secretariat, Secretariat
Buildings, Velagpudi, Guntur and others

.. Respondents



The Court made the following:

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ORDER:

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioner was appointed as Field Assistant in Mahadevapalli Gram Panchayat under Mahatma Gandhi National Rural Guarantee Scheme on 20.08.2009. Though initially his contract was extended from 01.07.2015 to 30.06.2016, on the ground that he did not reach the target of 75% of approved labour budget for the year 2014-15, by proceedings dated 14.08.2015, his services were terminated. Aggrieved thereby, the petitioner filed W.P.No.30597 of 2015. This Court, by order dated 21.09.2015, granted interim suspension, which was subsequently extended, and on 31.12.2015 the said Writ Petition was disposed of directing the respondents to verify whether the Field Assistants therein have complied with the target of 75% of approved labour budget and to pass orders with regard to renewal of contract or terminate the same. The work undertaken by the petitioner was renewed and having found that the petitioner achieved the target of 75% of approved labour budget, he was admitted to duty by proceedings dated 28.09.2016 and since then he has been discharging his duties and responsibilities as Field Assistant. The grievance of the petitioner in this Writ Petition is that for no fault of him, he was not paid salary as Field Assistant from 01.07.2015 and at any rate from 28.09.2016 and the said action is arbitrary and illegal.

3. When the matter is taken up, learned counsel for the petitioner, on instructions, submits that the petitioner would be

satisfied if a direction is issued to pay salary and allowances payable to him w.e.f. 28.09.2016 and does not intend to press the entire prayer sought in the Writ Petition i.e., to pay salary and allowances with effect from 01.07.2015.

4. Even according to the instructions furnished to the special counsel, the petitioner is working w.e.f. 28.09.2016 and the only defence taken by the respondents in not paying the salary is that in the software used by the respondents, the name of the petitioner is not reflected and for that reason the pay and allowances could not be paid to him. Thus, for no fault of the petitioner, the pay and allowances were denied to him without any justification. It is for the respondents to rectify the software and on the ground of delay in rectifying the software, the petitioner cannot be subjected to hardship.

5. Having regard to the same, the Writ Petition is disposed of directing the Project Director, District Water Management Agency, YSR Kadapa District, the 2nd respondent, to pay arrears and allowances to the petitioner w.e.f. 28.09.2016 as expeditiously as possible, preferably within a period of three weeks from today and shall continue to pay the same attached to the post as long as the service of the petitioner is continued. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:20.01.2017

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