

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13642 OF 2017

DATED : 18.04.2017

Between :

B.Naseeruddin S/o.Mr.B.Khader Mohiuddin,
Aged 27 yrs, Occu : Service,
R/o.H.No.23/594, Karvanpet, Adoni,
Kurnool District, A.P.

Petitioner

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And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Minority Welfare Department,
Amravathi, Guntur District, A.P. & another.

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner was appointed on 03.12.2015 on contract basis for a period of one year. During the subsistence of the said contract period, by order dated 05.07.2016 his services were dispensed with on the ground that petitioner was not attending to office for a long time. In this writ petition petitioner challenges the said order.

3. The order of appointment would disclose that petitioner was appointed on a request made by him and the appointment was on contract basis on payment of monthly remuneration of Rs.15,000/- and the period of contract was for one year. Petitioner was to work and the amounts are to be paid by the Dargah Hazrath Bara Shaheed, Nellore. Since the term of appointment is already over, the question of testing the validity of order of termination at this stage, need not be gone into. Even if the order is set aside, at the most petitioner would be entitled to compensation. Furthermore, the termination was on the ground that petitioner was not attending to office. The fact that petitioner was not attending to office is not denied. The defence of the petitioner is that he was unwell during that period and therefore, could not attend the duties.

4. Having regard to these facts, the relief as sought for cannot be granted, in exercise of power of judicial review under Article 226 of the Constitution of India.

5. Accordingly, the Writ Petition is dismissed in limini. However, it is open to the petitioner to persuade the respondents to provide appointment afresh, if they require his services, by following the due process. There shall be no order as to costs.

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

18th April, 2017
Rds

P.NAVEEN RAO,J

