

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5683 of 2017

Date: 08.03.2017

Between:

Kandula Pichireddy S/o. K.Venkateswara Reddy,
Aged about 34 years, Occu: Field Assistant,
Gannavaram Gram Panchayat, Macherla Mandal,
Guntur District and others.

.....Petitioners

and

The State of Andhra Pradesh, rep.by its Prl.Secretary,
Panchayat Raj & Rural Development Department,
Secretariat, Velagapudi, Guntur District and others.

.....Respondents



The Court made the following:

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ORDER:

Heard Sri K.Venkateswarlu, learned counsel for petitioners, learned Government Pleader for respondents 1 to 3, Sri M.S.R.Chandra Murthy, learned special standing counsel for respondent no.4. With their consent, the writ petition is disposed of finally.

2. Petitioners were engaged as Field Assistants ranging between 2007 and 2013. On the allegation that they did not achieve 75% of Mandates target, their contracts were not renewed. Aggrieved thereby, petitioners and other several Field Assistants instituted batch of writ petitions before this Court. This Court, by order dated 31.12.2015 in W.P.No.27468 of 2015 and batch, issued the following direction:

“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.”

3. It appears, Committee heard the petitioners and were given opportunity to make written submissions in support of their claim and on consideration of their explanations and submissions, the Committee made its recommendations. At this stage, this writ petition is filed contending that similarly situated persons were considered and orders are passed by the Project Director on 03.10.2016 and based on the said orders, all of them were inducted to service, whereas the same benefit is not extended to the petitioners.

4. On this contention, learned special standing counsel was directed to obtain instructions. On instructions, learned special standing counsel submits that insofar as petitioners 1 to 6 are concerned, due to administrative reasons, so far no orders are

passed and within a short period, appropriate orders will be passed and would be communicated.

5. He would further submit that insofar as the 7th petitioner is concerned, he was not terminated on account of not achieving the targets fixed, but on account of reclassifying the Potharlanka GP as List-2 category village and in a List-2 category village, only a Senior Mate alone is appointed. Thus, the 7th petitioner do not fall into the same category.

6. Considering the rival submissions, writ petition is disposed of with the following order:

i) With reference to petitioners 1 to 6, the Project Director, District Water Management Agency and Additional District Coordinator, MGNRES, Guntur (4th respondent) is directed to consider the reports of the three men committee and pass appropriate orders by assigning reasons in support of the decision and communicate the same to the petitioners. The entire exercise shall be completed as expeditiously as possible, preferably within a period of two weeks from the date of receipt of copy of this order; and

ii) Duly taking note of the submission of learned Special Standing Counsel, 7th petitioner is granted liberty to make a representation to the Project Director (4th respondent) ventilating his grievance. If such representation is made by the 7th petitioner, the 4th respondent shall consider his grievance vis-à-vis the change of status of Potharlanka GP to List-2 category and pass appropriate orders and communicate the decision to the 7th

petitioner. Such decision shall be made and communicated to the petitioner within a period of four weeks from the date of submission of representation by the 7th petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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kkm



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