

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.8639 of 2011

DATED : 24.07.2017

Between :

Begga Yerrayya S/o.Ramu,
Aged 25 yrs, Occu : Field Assistant,
A.P.Rural Employment Guarantee Scheme,
R/o.Kanimeraka Village, Bondapalli Mandal,
Vizianagaram District.

.. Petitioner

And

The District Collector,
Vizianagaram District & others

.. Respondents



This court made the following :

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ORDER :

Petitioner was appointed as Field Assistant on contract basis for a period of one year in Kanimeraka Village, Vizianagarm District, under Mahatma Gandhi National Rural Employment Guarantee Scheme. The said contractual appointment was renewed from year to year and the last renewal was valid upto 30.03.2011. In the normal course, unless the renewal is extended, the contract comes to an end on 30.03.2011. On 09.03.2009, a memo was issued alleging that petitioner was undertaking corrections in NMR books and entered wrong job cards and was not mending his attitude even though he was instructed number of times and petitioner failed to submit NMR books. On 07.03.2009 petitioner was placed under suspension pending domestic enquiry. Challenging the suspension, petitioner filed W.P.No.27939 of 2010. The said writ petition was disposed of, by order dated 12.11.2010 directing the Mandal Parishad Development Officer and Programme Officer (3rd respondent) therein to complete the enquiry into the allegations made against the petitioner within a period of four weeks.

2. It appears after the notice was served on the petitioner alleging misconduct, petitioner submitted representation received by the competent authority on 16.04.2010, submitted his resignation to the post by citing reason that he has other employment opportunity and requested for acceptance of the resignation. However, having regard to the directions issued by

this Court, order was passed on 22.12.2010 informing the petitioner that his explanation was not satisfactory and that his resignation is accepted. This order is under challenge in the writ petition.

3. The facts, as noted above, disclose that the competent authority has not passed orders initiating disciplinary action against the petitioner, since he himself has accepted the mistake and sought to resign. The same fact was highlighted in the order impugned and by this order, the authority clearly communicates to the petitioner about acceptance of his resignation.

4. The order impugned also discloses that petitioner himself has accepted his mistake and sought pardon of the competent authority and to treat the mistake committed by him as first mistake.

5. In addition to the above, as averred by respondent No.3 in the counter affidavit, after the acceptance of resignation of the petitioner, another person was appointed as a Field Assistant and his services were also terminated. Since this village was not meeting the parameters of achieving minimum man-days, the status of the village is brought down to second stage and this village is classified into this category and is manned only by Senior-Mate. After the re-classification of the village, Senior-Mate is appointed and is working. It is also categorical assertion of the respondents that the post of Field Assistant, to which post petitioner was appointed, is no more existing in the concerned village. This averment of the respondents is not denied by the petitioner.

6. Thus, even assuming that the petitioner is entitled to contest the decision communicated to him impugned in the writ petition, though he himself has accepted the delinquency alleged and offered to resign having regard to the subsequent developments, no relief, as sought for, can be granted and therefore, writ petition is liable to be dismissed and is, accordingly, dismissed. There shall be no order as to costs.

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

24th July, 2017
Rds

P.NAVEEN RAO,J



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