

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WV.MP.No.4644 of 2017
in
WP.MP.No.23415 of 2017
in/and
W.P.No.19229 of 2017

COMMON ORDER:

Petitioners were appointed as Field Assistants in J.R. Puram and Patarlapalli Gram Panchayats etc., of Ranasthalam Mandal, Srikakulam District between 2007 and 2011.

2. On the ground that petitioners allegedly did not reach the target of 75% of the labour budget and 5000 person days for financial year 2014-15 vide proceedings dt.19.08.2015, the District Collector-cum-District Programme Coordinator of MGNREGS, Srikakulam (3rd respondent) terminated their services.

3. This was challenged by the petitioners in W.P.No.27468 of 2015 and batch.

4. On 31.12.2015 the said Writ Petition was allowed and a direction was given to the District Collectors in the State of Andhra Pradesh to form a Committee consisting of three officers in the District to receive the explanations from the Field Assistants including the petitioners by explaining their failure to reach the target of 75% of labour budget and providing 5000 man days work for the said financial year; the

said Committee was directed to assign suitable reasons in support of its recommendation in case of each of the petitioners after considering explanation submitted by them; on due verification of the relevant record, the Committee was directed to then forward its recommendation to the Project Director concerned; and the respective Project Directors were directed to pass orders as required in each of the cases within thirty days.

5. In the instant case also petitioners gave explanation, in defence of their inability to reach the prescribed targets, individually.

6. The Three Man Committee examined the same and without application of mind to each of the explanations submitted by the petitioners, simply concluded that the petitioners did not reach the targets prescribed in that financial year and made the recommendation to the 3rd respondent, who then passed the impugned orders on 17.06.2016.

7. This is assailed by the petitioners in the present Writ Petition.

8. On 14.06.2017, the Writ Petition was admitted and interim order was passed in WP.MP.No.23415 of 2017 suspending the order dt.17.06.2016 passed by the 3rd respondent on the ground that explanations of the petitioners

were not considered by the Three Man Committee as well as the 3rd respondent and there was violation of principles of natural justice.

9. WV.MP.No.4644 of 2017 is filed to vacate the said order.

10. In the said vacate stay petition, it is stated that petitioners 1 to 8 were reinstated either as Field Assistants or in the equal category but the rest were not reinstated since alternate arrangements had already been made by engaging others.

11. It is not disputed that explanations were submitted by the petitioners but the consideration of the explanation of the petitioners by the Three Man Committee is not reflected in the proceedings issued individually to each of the petitioners by the Three Man Committee as directed in the order dt.31.12.2015 in W.P.No.24768 of 2015.

12. Counsel for petitioner states that even the alleged reinstatement orders issued to petitioners 1 to 8 were not implemented by Mandal Parishad Development Officer (5th respondent).

13. Since the direction in W.P.No.24768 of 2015 for the Three Man Committee to assign reasons in support of their recommendation for each of the petitioners, after considering the explanation and on verification of the relevant record, is

not shown to have complied by either the Three Man Committee in the case of the petitioners or by the 3rd respondent, the impugned order terminating the services of the petitioners on the said basis, cannot be sustained.

14. Accordingly, the Writ Petition is allowed and WVMP.No.4644 of 2017 is dismissed. The proceedings dt.17.06.2016 of the 3rd respondent, terminating the petitioners from the posts of Field Assistants, are set aside and the respondents are directed to reinstate the petitioners as Field Assistants or in the equivalent posts. The matter is remitted back to the Three Man Committee to comply strictly with the order dt.31.12.2015 in W.P.No.27468 of 2015 and batch and to consider the explanations individually submitted by each of the petitioners after verification of the relevant records and pass a reasoned order in support of the decision in regard to each of the petitioners. Any reengagement of the petitioners as Field Assistants or in the equivalent posts shall be subject to final consideration of the Three Man Committee report given afresh after considering petitioners' explanation individually and the reasons given therein by the 3rd respondent. The 1st respondent shall also pay costs of Rs.1,000/- to each of the petitioners and recover the same from the members of the Three Man Committee, who have violated the orders of this Court in W.P.No.27468 of 2015 and batch.

15. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

07th August, 2018.

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