

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.7368 of 2018

ORDER :

Heard the counsel for petitioners, the learned Government Pleader for Panchayat Raj for respondent nos.1 and 2, Sri M.S.R. Chandra Murthy, learned Standing Counsel for MGNREGS, for respondent nos.3 and 4, and Sri Ravi Cheemalapati, counsel for respondent nos.5 and 6.

2. With the consent of the learned Standing Counsel for respondent nos.3 and 4, the Writ Petition is being disposed of at the stage of admission.

3. The petitioners herein are employed as Field Assistants under the Mahatma Gandhi National Rural Employment Guarantee Scheme (M.G.N.R.E.G.S.) in different Mandals of Srikakulam District. Their services were terminated on 19.08.2015 by the 3rd respondent on the pretext that they did not reach the target of 75% of labour budget and 5000 person days for the Financial Year 2014-15.

4. The petitioners allege that such termination order is on account of political rivalry, and that the reasons assigned therein are not valid.

5. Earlier, the petitioners herein filed WP.No.27468 of 2015 and batch before this Court assailing their termination orders, and this Court disposed of the said Writ Petition on 31.12.2015 along with other cases directing all District Collectors in the State of Andhra Pradesh to form a Committee consisting of three Officers in the

District, to receive the explanation of each of the Field Assistants whose services were terminated as to why targets could not be achieved by them, and directed the Committee to make an assessment after considering the explanations objectively and make recommendations to the competent authority. The competent authority was also directed to consider the recommendations of the Committee objectively and then take a decision for renewal of contracts giving due regard to the parameters set out while granting such recommendations to others.

6. Thereafter, a Three-Man Committee, consisting of the Revenue Divisional Officer, Mandal Parishad Development Officer and District Co-operative Officer, was constituted by the 3rd respondent.

7. The petitioners herein appeared before the said Three-Man Committee, and gave their explanations individually giving reasons why they could not achieve the target.

8. On 26.10.2016, the Three-Man Committee passed the following order in respect of each of the Field Assistants including all the petitioners, viz., :

“After verifying the reasons he failed to achieve approved labour budget and provided less mandates. Therefore, after considering this written explanation and the reasons mentioned therein there is no chance to continue her in duties.”

9. The above assessment by the Three-Man Committee nowhere indicates any application of mind to the explanations of each of the

petitioner, and it cannot be said that there is any objective consideration of the same by the Three-Man Committee.

10. On the basis of this order of the Three-Man Committee, the 3rd respondent has passed the impugned order.

11. Though the order passed by this Court on 31.12.2015 in WP.No.27468 of 2015 and batch specifically directed the competent authority, i.e., the 3rd respondent, to consider the recommendations of the Committee objectively, he mechanically recorded the recommendations without any application of mind and ignoring the lack of objective consideration of the explanations by Three-Man Committee and passed the impugned order which is totally opaque.

12. In my considered opinion, both the Three-Man Committee and the 3rd respondent have failed to understand the order dt.31.12.2015 in WP.No.27468 of 2015. Though there is mandate in the said order, they both have failed to consider objectively the explanations offered by each of the petitioners and acted without application of mind to the said explanations.

13. This Court is expressing its anguish at the attitude of the 3rd respondent because time and again orders of this nature passed by the 3rd respondent are being questioned by this Court, one of which is order dt.13.10.2017 in WP.No.34301 of 2017, and another is order dt.27.07.2017 in WP.No.24995 of 2017.

14. This Court is vexed with this discharge of functions by the 3rd respondent in this manner and records its displeasure and directs respondent nos.1 and 2 to take notice of the same, and if necessary, counsel the 3rd respondent to mend his ways.

15. For the aforesaid reasons, I am of the opinion that the impugned order cannot be sustained, and it is accordingly set aside. The order dt.26.10.2016 passed by the Three-Man Committee, is also set aside, as regards the petitioners.

16. The Three-Man Committee constituted by the 3rd respondent shall be instructed by the 3rd respondent to properly discharge their duties as directed by this Court in the order dt.31.12.2015 in WP.No.27468 of 2015, and the 3rd respondent is also directed to consider the recommendations of the Three-Man Committee and pass a reasoned order within a period of six (06) weeks, and communicate the same to the petitioners.

17. Accordingly, the Writ Petition is allowed as above. No order as to costs.

18. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Note : The Registry is directed to communicate this order to respondent nos.1 and 2.

B/o.

Date: 07.03.2018

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