

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

WRIT PETITION No.42062 of 2018

O R D E R:

Heard counsel for petitioner and Sri M.S.R.Chandra Murthy,
Standing Counsel appearing for respondents 3 & 4.

2. With the consent of both sides, at the admission stage, this Writ
Petition is disposed of.

3. Petitioner was working as a Field Assistant in Kambara Gram
Panchayat, Veeragattam Mandal, Srikakulam District on contract.

4. On 11.08.2014 on the ground that he was negligent in discharge
of his duties, his services were terminated by the 4th respondent.

5. Petitioner questioned the same by way of appeal before the 3rd
respondent.

6. The 3rd respondent allowed the said appeal on 22.06.2015 and
only thereafter petitioner was taken back into service as Field
Assistant. Thus for the period 11.08.2014 to 22.06.2015 petitioner
had not worked as Field Assistant.

7. Thereafter, another show cause notice was given to the petitioner
for not discharging his duties properly and not providing work under
the MGNRES Scheme to local wage seekers.

8. Taking note of the judgment of this Court dt.31.12.2015 in
W.P.No.27468 of 2015, petitioner's case was also referred to the Three
Man Committee.

9. The Three Man Committee determined that the petitioner had provided work for only 66% of the work days and recommended that if the Project director wants to engage the services of the petitioner, he can do so for the next financial year also.

10. Misreading this recommendation as a recommendation to terminate the contract of the petitioner, the 3rd respondent passed the impugned order on 17.06.2016 and terminated petitioner's contract. Clearly, there is non-application of mind by the 3rd respondent not only to the contents of the recommendation made by the Three Man Committee as regards the petitioner but also to the fact that the petitioner had not worked for the period 18.06.2014 to 26.02.2015, till petitioner was reinstated by the 3rd respondent himself.

11. In this view of the matter, the Writ Petition is disposed of; the impugned order dt.17.06.2016 passed by the 3rd respondent is set aside; the matter is remitted back to the 3rd respondent to correctly take note of the recommendation of the Three Man Committee as regards the petitioner and also to the fact that the petitioner had not worked from 18.06.2014 to 22.06.2015; and then pass a fresh reasoned order and communicate the same to the petitioner. Petitioner is also entitled to be paid wages from 18.06.2014 till a fresh order is passed by the 3rd respondent. No order as to costs.

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

M.S.RAMACHANDRA RAO, J

22nd November, 2018.

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