

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

WRIT PETITION No.31901 OF 2018

Between:

P.Venkatanna & 16 others

... Petitioners

And

District Collector, Mahabubnagar
District & 2 others

... Respondents

JUDGMENT PRONOUNCED ON: 03.10.2023

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

MRS. JUSTICE SUREPALLI NANDA

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.31901 OF 2018

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... Respondents

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> Head Note:

! Counsel for the Petitioner : Mr.P.V.Krishnaiah

**^ Counsel for Respondents : Learned Govt.Pleader
For Services-II**

? Cases Referred:

(1) (2014) 12 Supreme Court Cases, 106.

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.31901 OF 2018

ORDER:

Heard Mr.P.V.Krishnaiah, learned counsel for the petitioners and learned Government Pleader for Services-II for the respondents.

2. This writ petition is filed praying to issue Writ of Mandamus declaring the proceedings No.A7/4273/2009, dated 23.03.2018 issued by the 1st respondent in so far as it relates to terminating the services of the petitioners w.e.f., 01.05.2012 and not paying salary to the petitioners from 01.05.2012 onwards as arbitrary, illegal, discriminatory and *mala fide*, discloses non application of mind and unconstitutional violating Articles 14, 16 and 21 of the Constitution of India and set aside the same in so far as the petitioners are concerned with a direction directing the respondents to forthwith allow the petitioners to continue in service as Village Revenue Assistants in the posts which the petitioners are holding prior to issuing impugned proceedings No. A7/4273/2009, dated 23.03.2018 of the 1st respondent

and further direct the respondents to forthwith pay salary to the petitioners from 01.05.2012 onwards.

3) The case of the petitioners, in brief, as per the averments made in the affidavit filed by the petitioner in support of the present writ petition, is as follows:

a) Before bifurcation of State of Andhra Pradesh in pursuance of A.P. Re-organisation Act, 2014 the united State of Andhra Pradesh issued AP (Andhra Area) Village Officers Services Rules, 1969 in G.O.Ms.No.608 Revenue Department, dated 26.06.1969 invoking the power under proviso to Article 309 of the Constitution of India regulating the service conditions of Village Officers, who are called as Village Revenue Officers and Village Servants, who are now called as Village Revenue Assistants including these posts under clause 1 and clause 2 of the said Rules.

b) Subsequently, united State of Andhra Pradesh issued AP (Telangana Area) Village Officers Services Rules, 1978 in G.O.Ms.No.1293 Revenue (H) Department, dated 26.07.1978, which are similar rules to the earlier G.O Ms. No. 608 and the said Rules came into force w.e.f., 07.12.1977.

c) The Government issued AP Village Revenue Assistants Service Rules, 2005 and substituted the word 'Village Servant' to that of 'Village Revenue Assistants' in G.O.Ms.No.2176, Revenue Department, dated 05.12.2011. As per Rule 4 of the A.P. Village Servant Service Rules, 2005, the Village Servant shall be appointed for every village or part of village or group of villages and as per Rule 5, the MRO/Tahsildar shall be the appointing authority.

d) The petitioners are fully eligible and are qualified for appointment to the post of Village Servant and they were also appointed by the competent authority and the petitioners were continuing as Village Revenue Assistant's for that village till the impugned order by proceeding No. A7/4273/2009 dated 23.03.2018, had been issued.

e) At the instance of one outside leader, with his influence, appointment orders were issued to 132 candidates without following the procedure and submitted salary bills of the petitioners' as well as some other Village Revenue Assistants, who are working not only from 2005 but also prior to 2005.

f) Because of the above mentioned irregularities committed by some of the officers in connivance with private individuals or self style leaders, the petitioners became

victims and that the petitioners have not received salaries from 23.03.2008 despite assuming duties. Therefore, the petitioners approached the 1st respondent requesting to pay salaries.

g) As per the advice given by the President of the Association, the petitioners approached the A.P. Administrative Tribunal and that the Tribunal granted interim order directing the respondents to continue the applicants therein in service and also pay salary for the work done. Subsequently, the 1st respondent filed counter in the OAs filed by the petitioner stating that the President of AP Village Servants Association made representation on 30.01.2010, same was received on 06.02.2010 and the same was sent to CCLA and Collector, Mahabubnagar to examine the said representation and furnish detailed report and submitted report on 17.11.2011.

h) In the year 2012-2014, the 1st respondent paid salary till 30.04.2012, though the petitioners are entitled from 01.05.2012 till 23.03.2018, i.e., till the issuance of the impugned order. Hence, this writ petition is filed.

i) Furthermore, impugned proceedings dated 23.03.2018 issued by the 1st Respondent in so far as it relates to paying

salary bill 30.04.2012 and terminating the services of the Petitioners with effect from 30.04.2012 stating that the Petitioners are deemed to be terminated after 30.04.2018 in so far as the Petitioners are concerned is highly arbitrary, illegal, discriminatory and unconstitutional violating Article 14, 16 and 21 of the Constitution of India.

j) Alongside, the 1st Respondent included the names of the Petitioners in the provisional seniority list in the cadre of Village Revenue Assistants issued in proceedings No. A7/1169/2012, dated 23.10.2017 but while issuing final seniority list by proceedings No. A7/1169/2012, dated 17.02.2018 the 1st Respondent had not included the names of the Petitioners which is also irregular and illegal violating Articles 14, 16 and 21 of the constitution of India that too without giving any notice and opportunity which is nothing but in clear violation of principles of natural justice. Therefore, aggrieved by the impugned proceedings dated 23.03.2018 passed by 1st respondent along with the above mentioned facts and circumstances, the present writ petition is filed.

4. The counter affidavit of the Respondent No. 1, in brief, is as follows

a) The petitioners worked beyond 01.05.2012 is not correct and the same was not supported by any documentary evidence. The initial appointment of the petitioners is irregular as they were appointed during the ban period by direct recruitment. The report of the concerned Tahsildar shows that all the posts of VRAs were fallen vacant, where the petitioners are working. As per Government Memo No.88193/VO.I/97-4, dated 12.10.1998, there is a ban on appointment of Village Servants by direct recruitment. As per AP (Telangana Adapted) Village Revenue Officers Service Rules 1998, the post of Village Servant (VRA) is a part time job and the petitioners herein have been appointed during the ban period by direct recruitment and therefore alleged appointment orders issued in favour of the petitioners are proved as bogus and irregular.

b) As per rule (24) of AP (Telangana Adapted) Village Servants Rules 2005, the MRO concerned shall maintain service particulars of Village Servants (VRA's) of each village and prepare salary bills of each village based on the duty certificate issued by the concerned Panchayat Secretary and that (157) Village servants (VRA's) including the petitioners

have been appointed during the ban period. In pursuance of the orders dated 03.02.2016 in O.A No 9391/2011 with VMA No 675/2012 of the APAT, Hyderabad the concerned Tahsildars have been directed to claim salaries of (157) village servants (VRA's) and to pay to them who were appointed during the ban period up to 30.04.2012.

c) Furthermore, the petitioners herein have been appointed irregularly during the ban period. The enquiry reports submitted by the Tahsildars concerned revealed that though the posts of the petitioners were not notified for direct recruitment, those posts had fallen vacant since 01.05.2012. There is no record to show that they have discharged duties as VRA's after 01.05.2012 till date. Therefore, the petitioners are not entitled for payment of salary for the period for which they have not worked.

d) Thereafter, some of the VRAs appointed during the ban period, approached the Tribunal by filing O.A.No.9351 of 2011 and obtained interim orders dated 07.12.2011 to pay salaries and continue them in the service. The Government vide Memo No 88193/VO.I/97-4, dated 12.10.1998 have imposed ban on appointment of VRA's. The appointment of petitioners as VRA's has taken place after issue of ban orders by the

government. Therefore the appointment of the petitioners as VRA's is irregular and contrary to the ban orders issued by the government.

e) Furthermore, as per the enquiry reports submitted by the Tahsildars concerned the posts of the petitioners where they are said to be working are fallen vacant. There is no record to show that the petitioners have been working as VRA's beyond 30.04.2012. The appointment of the petitioners as VRA's itself is irregular and bogus, as they have been appointed during the ban period. All (157) VRA's including the petitioners herein have been irregularly appointed as VRA's during the ban period. It is further submitted that as on 30.04.2012, that the posts of the petitioners were fallen vacant. The payment of salary to the petitioners therefore has been restricted up to 30.04.2012.

f) The posts as claimed by the petitioners have fallen vacant, neither no fresh recruitment has been made nor the petitioners have been continued in the said posts. There is no record to show that the petitioners have been continued as VRA's in their respective villages beyond 30.04.2012 and up to 23.03.2018.

g) Aggrieved by the orders passed in O.A 9350/2011, 9391/2011 and 9351/2011, the respondents filed WP No.8702 of 2014 before the High Court and that the High Court granted interim suspension of the orders of the Tribunal. During pendency of the above writ petition, VMA No.675 of 2012 in O.A.No.9351 of 2011 had been filed and the Tribunal observed that the appointments of the applicants cannot be granted and so far as continuation of the applicants is concerned, it is for the authorities to see whether they are legally appointed or not.

h) Moreover, there is no record to show that the petitioners have been working as VRA's at their respective villages and all the posts of the petitioners had fallen vacant. Therefore, the petitioners cannot seek any relief for inclusion of their names in the Final Seniority list of VRA's issued in Proceedings No. A7/1169/2012, dated 17.02.2018 of the 1st respondent - District Collector, Mahabubnagar, and as per the enquiry reports furnished by the Tahsildars concerned there is no record of attendance in respect of the writ petitioners maintained by the concerned VRO's and that they are not working as VRA's at their respective villages. The posts of

VRA's of the petitioners have fallen vacant from 01.05.2012 onwards and that the writ petitioners are not presently working as VRA's as contended in the writ petition. Moreover, the counter also further stated that the information sent by the Collector to the Secretary, CCLA vide letter dated 17.11.2011 is only mere sending information to higher authority and does not give any right to the applicants to continue as Village Revenue Assistants and claim salaries. Hence, the Writ Petition is devoid of merits and is liable to be dismissed.

PERUSED THE RECORD :

5. The order impugned of the 1st respondent dated 23.03.2018, reads as under:

“Through the reference 1st cited, ref. No.A2/550/2008, dated 11.11.2009, it has been brought to the notice of CCLA that in certain Districts Village Servants were appointed regular/contract basis (through out-sourcing) in spite of Ban orders vide Act 2/1994 and informed to treat those appointments as irregular.

Through this office ref.No. A7/4273/2009, dated 17.11.2011 a detailed report to the CCLA, A.P. Hyderabad had been submitted stating that

certain Tahsildars have appointed (225) VRAs during the ban period and requested to consider for release of honorarium and submit further proposals to the Govt. for regularization of services of (225) VRA's.

While the position stands so, some of VRAs filed O.A.No.9351 of 2011 before APAT. The APAT in its interim orders of 07.12.2011 ordered that pending further orders in the O.A. directed to continue the VRAs in their respective places unit further orders and pay the salaries to the applicants for the period they worked.

Basing on the above orders, the Govt. in Rev. (VA) Dept. memo No.50896/VA-1/2011, dated 19.12.2011 requested to take necessary action on the orders of APAT and send action taken report to the Government.

Through this office ref.No.A7/4273/2009, dated 04.09.2012 a report was submitted to CCLA stating that the proposals sent earlier is basing on the reports of Tahsildars only on verification of records. The appointments made in the ban period are fictitious.

The CCLA, Hyderabad in ref.No.A2/245/2010 dated 08.10.2012 informed that the Government have examined the matter in consultation with Finance Department and permitted the District Collector vide Govt. Memo No.2233/VA-1/2012, dated 07.07.2012 to pay honorarium to 157 VRAs who are reportedly not being paid now for the period they worked.

The Dist. Collector on behalf of the Govt. filed W.P.No.8702/2014 before the Hon'ble High Court against the orders of APAT holding that the Hon'ble APAT is literally based on the letter proposed to have submitted to the CCLA on fraudulent manner without knowledge of the District Collector and the orders of APAT is perverse, in excess of jurisdiction and contrary to the law.

The High Court of A.P. admitted the W.P. and granted interim suspension in orders of APAT. The case is pending before Hon'ble High Court, A.P., Hyderabad.

While the position stands thus, some of VRA filed VMA No.675/2012. The APAT in its order in O.A. No. 9391/2011 with VMA No.675/2012, dt.03.02.2016 observed that, with regard to the appointment of applicants the same cannot be granted in so far as continuation of the applicants is concerned it is for the authorities to see whether they are legally appointed as per the rules governing the recruitment and decide whether to continue them or to dispense with their services in accordance with rules.

The APAT while disposing the OA directed to pay salaries to the applicants who have actually joined and worked as Village Servants pursuant to their appointments for the period during which they have actually worked.

As such through the reference 11th cited it was requested to report the particulars of VRAs

appointed during the ban period and worked in pursuant of orders.

Most of the vacancies of VRAs were notified for direct recruitment in the year 2012. The direct recruitment VRAs joined duty on 01.05.2012. As such the payment of Honorarium to the VRAs appointed during the ban period is restricted upto 30.04.2012.

I am therefore request you to claim and pay the Honorarium to the VRAs appointed during the ban period up to 30.04.2012 or their actual period of working whichever is less duly informing in writing that their services are deemed to be terminated after 30.04.2012."

6. Proceedings of the 1st respondent dated 19.01.2017, reads as under:

"It is to inform that, certain Tahsildars of erstwhile Mahabubnagar District have appointed Village Servants (VRAs) by notification on temporary basis by direct/medical invalidation during the ban period. Out of (225) VRAs honorarium to (68) VRAs are being paid and (157) VRAs are not paid honorarium.

These (157) VRAs filed O.A.No.9350/2011, 9351/2011, 9391/2011 and 1565/2012 before the Hon'ble APAT requesting for payment of honorarium.

O.A.No.9391/2011 - 31

O.A.No.9350/2011 - 53

O.A.No.9351/2011	-	43
O.S.No.1565/2012	-	18
Total	-	145

The CCLA, Hyderabad in ref.No.A2/550/2008 dated 11.11.2009 informed that, it has been brought to the notice of CCLA that in certain Districts appointment of Village Servants were made on regular/contract basis (through out-sourcing) in spite of Ban orders vide Act 2 of 1994. The appointment of VRAs can be treated as irregular.

Through the office ref.No.A7/4273/2009, dated 17.11.2011 a detailed report to the CCLA, A.P. Hyderabad has been submitted stating that certain Tahsildars have appointed (225) VRAs during the ban period. The services of VRAs are essential in the Village Administration. The VRAs will attend all kinds of Revenue works and serve the notices of land revenue and identify the beneficiaries in different development schemes conducted by the Govt. and identify the Govt. lands and also discharge police duties in the village. Without VRAs in the village, the VROs cannot discharge their duties. Therefore, it is requested that VRAs who are not receiving the honorarium may be considered for release of honorarium and submit further proposals to the Government for regularization of services of (225) VRAs.

While the position stands so, some of VRAs filed O.A. No.9351 of 2011 before APAT. The APAT in its interim orders of 07.12.2011 ordered that pending further orders in the O.A. direction to continue the VRAs in their respective places unit further orders and pay the salaries to the applicants for the period they worked.

Basing on the above orders, the Govt. in Rev. (VA) Dept. memo No.50896/VA-1/2011, dated 19.12.2001 requested to take necessary action on the Orders Of APAT and send action taken report to the Government.

Through this office ref. No.A7/4273/2009, dated 04.09.2012 a report was submitted to CCLA stating, that the proposals sent earlier is basing on the reports of Tahsildars only on verification of records. The appointments made in the ban period are fictitious.

The CCLA, Hyderabad in ref. No.A2/245/2010, dt.08.10.2012 informed that the Govt. have examined the matter in consultation with Finance Department and permitted the Dist. Collector vide Govt. Memo No.2233/VA-1/2012, dt.07.07.2012 to pay honorarium to 157 VRAs who are reportedly not being paid now for the period they worked.

The District Collector on behalf of the Govt. filed W.P. No.8702/2014 before the Hon'ble High Court against the orders of APAT holding that the Hon'ble APAT literally based on the letter proposed to have submitted to the CCLA on fraudulent manner without knowledge of the Dist. Collector and the orders of APAT

is perverse, in excess of jurisdiction and contrary to the law.

The High Court of A.P. admitted the W.P. and granted interim suspension on orders of APAT. The case is pending before Hon'ble High Court, A.P. Hyderabad.

While the position stands thus, some of VRA filed VMA No.675/2012. The APAT in its order in O.A.No.9391/2011 with VMA No.675/2012, dt.03.02.2016 observed that, with regard to the appointment of applicants cannot be granted, so far continuation of the applicants is concerned it is for the authorities to see whether they are legally appointed as per the rules governing the recruitment and decide whether to continue them or to dispense with their services in accordance with rules.

The APAT while disposing the OA directed to pay salaries to the applicants who have actually joined and worked as Village Servants pursuant to their appointments for the period during which they have actually worked.

In view of the above orders of the Hon'ble APAT, the list of VRAs reported to be appointed during the ban period and worked in your mandal is enclosed (as reported in this office Lr.No.A7/4273/2009, dt. 17.11.2009) and request you to verify with your office record and report whether they were appointed by the Tahsildar during ban period and worked in pursuant of

orders. If so, the period of their actual working as VRA to enable this office to take further action."

DISCUSSION AND CONCLUSION:

DISCUSSION :

7. It is the case of the petitioners that the petitioners are Village Revenue Assistants of different villages and had been appointed by the Mandal Revenue Officers/Tahsildars of the respective Mandals in the years between 2006 and 2010, the dates of the appointment of the petitioners and the details pertaining to the Village, Mandal Proceedings number, name of the petitioner and the competent authority appointing them is as under:

S. No.	Name of Petitioner	Competent Authority	Village	Mandal	Proceedings	
					No.	Date
1.	P.Venkatanna	MRO	Bijjaram	Maldakal	A/2809/2005	31.01.2006
2.	Laxmi	MRO	Kothapally	Maddur	B/1747/2006	01.04.2006
3.	G.Venkataiah	Tahsildar	Veltor	Uppanunthala	A/719/2010	31.07.2010
4.	M.Chandra Shekar	Tahsildar	Koritikal	Uppanunthala	A/719/2010	31.07.2010
5.	D.Kamalakanth	Tahsildar	Perapally	Narayanapet	C/7544/2008	31.01.2009
6.	Balappa	Tahsildar	Kotakonda	Narayanapet	C/7543/2008	31.01.2009
7.	T.Ramu	Tahsildar	Snahasarpally	Narayanapet	C/7543/2008	31.01.2009
8.	Geetha	Tahsildar	Gurlapally	Narayanapet	C/7464/2008	31.01.2009
9.	Rajesh Kumar	Tahsildar	Narayanapet	Narayanapet	C/7544/2008	31.01.2009
10.	Y.Yadaiah	MRO	Amangal	Amangal	B/4480/2006	01.08.2006
11.	P.Thovurya	MRO	Ramnuthula	Amangal		
12.	K.Hanumanthu	Tahsildar	Peddandandigama	Kodangal	A/5526/2009	31.05.2010
13.	B.Chandrasekhar	Tahsildar	Kodangal	Kodangal	A/5526/2009	31.01.2010
14.	T.Vijay Kumar	Tahsildar	Tekalkode	Kodangal	A/5526/2009	31.12.2009
15.	C.Bheemaiah	Tahsildar	Hasnabad	Kodangal	A/5526/2009	31.01.2010
16.	B.S.Ramprasad	Tahsildar	Kondareddypally	Kodangal	A/5526/2009	31.01.2010
17.	D.Anjilappa	Tahsildar	Rudram	Kodangal	A/5526/2009	31.12.2009

8. It is the case of the petitioners that the petitioners continued in discharge of their duties as Village Revenue Assistants from the date of their appointment, till the impugned proceedings dated 23.03.2018 had been issued to the petitioners. It is the further specific case of the petitioners that vide the impugned proceedings issued by the Collector and District Magistrate, Mahabubnagar, vide proceedings No.A7/4273/2009 dated 23.03.2018, the services of the petitioners had been terminated after 30.04.2012. It is further contended by the petitioners that terminating the services of the petitioners with retrospective effect i.e., w.e.f., 01.05.2012 vide proceedings dated 23.03.2018 of the Collector and District Magistrate i.e., the 1st respondent unilaterally, despite the fact that the petitioner had been working continuously since the date of appointment and till the date of issuing proceedings dated 23.03.2018 by the 1st respondent herein is highly illegal, malafide, irrational and the same is challenged by the petitioners herein on the following grounds:

- (1) The order impugned is passed without issuing notice to the petitioner and is in violation of the principles of natural justice.

- (2) That the petitioners were treated on par with other (132) candidates whose services had been terminated and the said action of the 1st respondent is hit by Article 14 of the Constitution of India in as much as the State cannot treat unequal's as equals.
- (3) The petitioners having worked working continuously from the date of appointment till 23.03.2018 and being terminated on par with other (132) candidates whose appointments itself are bogus and fictitious and who never joined and worked is in violation of Article 14, 16 and 21 of the Constitution of India.
- (4) The subject posts of the petitioners are vacant and they had not been notified as on date and therefore, the order impugned is highly illegal, arbitrary, discriminatory, and needs to be set aside.

9. The counter affidavit has been filed by the 1st respondent and it is mainly contended in the counter affidavit that the appointment of the petitioners as Village Servants is itself irregular and in view of the fact that most of the vacancies of VRA's were notified for direct recruitment in the year 2012, the petitioners cannot seek any relief, and

further that in view of the fact that the petitioners have been appointed during the ban period through Direct Recruitment as Village Servants (VRAs) and since there was no material to show that the petitioners discharged their duties as VRAs after 01.05.2012, till date, the petitioners are not entitled for payment of salary for the period for which they have not worked. The 1st respondent pleaded for dismissal of the writ petition on the ground that the petitioners had been appointed irregularly as VRAs during the ban period contrary to the provisions of the Act 2 of 1994 and in view of the fact that there was no record to show that the petitioners have been continued as VRAs in their respective villages beyond 30.04.2012 and upto 23.03.2018, the petitioners cannot seek any relief for inclusion of their names in the Final Seniority list of VRAs issued in proceedings No.A7/1169/2012 dated 17.02.2018 of the District Collector, Mahabubnagar.

CONCLUSION:

10. A bare perusal of the material on record clearly indicates that the 1st respondent Collector and District Magistrate, Mahabubnagar, vide proceedings No.A7/4273/2009 dated 19.01.2017 addressed letter to the Tahsildars of the various Mandals in Mahabubnagar District and referring to the

representation of the Village Servants Association for appointment of honorarium of the working period sought for a report from all the Tahsildars, pertaining to furnishing of the actual period from which the petitioners discharged their duties as VRAs to enable the office of the District Collector to take further action in the matter. The said proceedings of the 1st respondent dated 19.01.2017 clearly indicated that the salaries of the applicants who actually joined and who worked as Village Servants for the period during which they actually worked had to be but released. The said letter of the District Collector also included a detailed enclosure pertaining to the names of the Village Servants, the working places, the date of appointment with proceedings number, method of appointment, the cause and the details or honorarium whether paid or not.

11. A bare perusal of the report of the Collector and District Magistrate, Mahabubnagar addressed to the Chief Commissioner of Land Administration, Nampally, Hyderabad dated 04.09.2012 vide proceedings No.A7/4273/2009 and also the report dated 25.03.2013 of the District Collector, Mahabubnagar vide DEO Letter

No.A7/4273/2009 dated 25.03.2013 indicates that in the report dated 04.09.2012, it is clearly admitted that the proposals were sent earlier basing on the reports of the Tahsildar, but not on verification of records such as pay bill registers, appointment files etc., and the report dated 25.03.2013 indicates a reference to G.O.Ms.No.212 and further an observation that the G.O.Ms.No.212 would not apply to the petitioners since they had not worked continuously prior to five years from 25.11.1993. This Court opines a bare perusal of the statement enclosed along with the proceedings No.A7/4273/2009 dated 19.01.2017 of the 1st respondent herein, it is admittedly borne on record as per the date of appointment, the petitioners' appointment fell during the years between 2006 and 2010 and in view of the fact even if 2012 is taken as the basis since the counter affidavit says that the posts fell vacant in the year 2012 i.e., since 01.05.2012 as specifically contended at para 12 of the counter affidavit filed by the 1st respondent, the fact as borne on record is that the petitioners admittedly worked for more than five years as Village Revenue Assistant's.

A bare perusal of the appointment orders of the petitioners indicates that it is clearly observed in the said orders that the petitioners had been appointed in an existing vacancy and the petitioners were found eligible for appointment having the requisite qualifications for the said post.

12. The material documents filed along with the counter affidavit filed by respondent No.1 clearly indicates that the petitioners had been paid honorarium for the working period from 31.01.2009 to 30.04.2012 and thereafter payment of honorarium had been stopped. But however, they are doing service voluntarily in assisting the VRO concerned without honorarium. These details find place in proceedings No.A/335/2018 dated 20.11.2018 of Tahsildar, Narayanapet, addressed to the District Collector, Mahabubnagar in respect of five VRAs. This Court opines that the 1st respondent though called for detailed reports from the Tahsildars concerned vide proceedings dated 19.01.2017 vide No.A7/4273/2009 did not examine the same in detail and however passed orders

impugned dated 23.03.2018 vide No.A7/4273/2009 stating that the proposals received from the Tahsildars concerned in Mahabubnagar District had been examined, further observed that the services of the petitioners are deemed to be terminated after 30.04.2012 without assigning any reasons, without giving notice to the petitioners, without any discussion on the subject issue, clearly holding that the petitioners had been terminated after 30.04.2012 vide impugned proceedings dated 23.03.2018 which is admittedly retrospective in operation. This Court opines that the 1st respondent has no power to pass the impugned order making it retrospectively operative.

13. The Apex Court in the Judgment dated 03.03.2014 reported in (2014) 12 Supreme Court Cases, 106 in "STATE BANK OF PATIALA AND ANOTEHR v. RAM NIWAS BANSAL (DEAD) THROUGH LEGAL REPRESENTATIVES" very clearly observed that the dismissal order cannot be made retrospectively operative.

14. Taking into consideration the above referred facts and circumstances, the writ petition is allowed as prayed for. The impugned order dated 23.03.2018 issued by the 1st respondent is set aside. However, there shall be no order as to costs.

Miscellaneous petitions, if any pending shall stands closed.

MRS. JUSTICE SUREPALLI NANDA

Date: 03.10.2023

Note : L.R.copy to be marked.

B/o.Yvkr

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.31901 OF 2018
(L.R.Copy to be marked)

Date: 03.10.2023.

Yvkr