

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.6281 OF 2006

ORDER:

The present writ petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the respondents in dispensing with the services of the petitioner as Shift Operator/Junior Lineman in 33/11 KV Sub-Station, Mannar Poluru, Naidupet, Sullurpet Sub-Division, Nellore District, without any notice, as highly illegal and arbitrary and consequently, direct the respondents to continue the services of the petitioner as Shift Operator/Junior Lineman.

2. The averments in the affidavit filed in support of the writ petition would show that the petitioner was working as a Contract Labourer since April, 2001. Initially his services were engaged in lines and thereafter, he has been working as a shift operator, which is equivalent to the post of Junior Lineman. It is stated that the petitioner is now doing ITI in electrical trade privately and passed first year exams. It is further averred that the petitioner is working as Contract labourer in sub-station and the contractor is paying P.F. to the petitioner as well. It is said that the petitioner's services have been utilized by the respondent Corporation continuously through the contractors and in spite of change in contractors, services of the petitioner are being continued since April, 2004 without any break. While things stood thus, the 2nd respondent is said to have issued a memo, dated 27.12.2004 directing all the Superintending Engineers to advice the contractors not to change the labour, who are already working with the respective contractors. Basing on the same the petitioner is

still working. Later, the 2nd respondent issued a memo, dated 31.05.2005 requesting all the concerned officials in the Division to ensure that the persons, who are not having I.T.I. (Electrician) qualification be dispensed with and the persons, who are having court orders and the persons, who are having I.T.I. qualification in other trades may be continued. It is said that though the petitioner is qualified, the respondents are trying to dispense with his services. Challenging the same, the present writ petition came to be filed.

3. By an order, dated 31.03.2006 this Court while issuing *rule nisi*, ordered *status-quo* as on today with reference to the petitioner engaging as contract labourer.

4. No counter is filed by the respondents till today.

5. In view of the orders passed by this Court in the year, 2006 the petitioner has been continuing in service till date. It is stated that the petitioner is qualified to continue as Contract Labourer having regard to his qualification/he now possess I.T.I. A perusal of the material on record, more particularly, the proceedings issued by the 2nd respondent, dated 31.05.2005 show that the persons, who were having I.T.I. qualification in Electrician trade may be permitted to be continued. It may be useful to refer to the said Circular, the relevant portion of which reads as under:

“The attention of the Superintending Engineer/operation/ Vijayawada is invited to the reference cited and he is requested to ensure the following for engaging of private persons for repairing of Sub-Stations.

- (i) To continue the persons who are covered by the court orders if any
- (ii) To continue the contract labour who are having ITI Qualification in other trades if they are already

working.

- (iii) The persons who are not having ITI (Electrician) Qualification may be dispensed with other than (i) and (ii) above.”

6. Having regard to the interim order passed by this Court, on 31.03.2006, and taking into consideration the qualification, which the petitioner now possess i.e., I.T.I., respondents shall permit the petitioner to continue as Contract Labourer with them.

7. Accordingly, the Writ Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:17.12.2015

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