

THE HONBLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.1949 of 2006

ORDER :

Heard Sri S. Ravindranath, learned counsel for the petitioner and Sri R. Vinod Reddy, learned Standing Counsel for the respondent-Company and perused the material available on record.

The present writ petition came to be filed seeking issuance Writ of Mandamus directing the respondents to consider the case of the petitioner as per the judgment dated 28.10.2004 in W.P.No.5158 of 2003 and batch.

Pursuant to a notification issued, the petitioner and others have submitted applications accompanied by certificates issued by the contractors and countersigned by the officials of the respondents. The said applications were scrutinized with reference to the service certificates and the Board issued a paper publication publishing the list of the casual labour/VEs and contract labours, who have applied for the posts of LDCs and Typists and whose applications were found to be valid for the interview at the Operation Circle, Nizamabad, on 30.11.2002. All the petitioners therein attended the interview and submitted relevant documents. But, without scrutinizing their individual applications and without communicating the reasons for rejecting their applications, the said paper notification has been issued declaring that there are no successful candidates and thus, the result of the interviews held are 'NIL'.

Dealing with the said aspect, a learned single Judge of this Court, by a common order dated 28.10.2004 in W.P.No.5158 of 2003, set aside the declaration declaring that there are no successful candidates and the results of the interviews held are 'nil', and allowed the writ petitions directing the respondents to consider the cases of the petitioners therein in the light of the aforesaid observations for their absorption pursuant to the orders in B.P.Ms.No.36, dated 18.05.1997. It was further directed that if any petitioners therein are not found

eligible or qualified, reasons of the same shall be individually communicated within eight weeks. Since no orders are communicated, the present writ petition is filed.

When the matter is taken up for hearing, learned Standing Counsel for the respondents submits that in view of longevity of time, the entire file relating to that particular segment was found missing, for which a vigilance enquiry was also ordered. Hence, the learned Standing Counsel submits that he is not in a position to state as to whether the case of the petitioner was rejected and, if so, whether the same was communicated to the petitioner or not.

Having regard to the aforesaid facts and circumstances of the case, learned counsel for the petitioner submits that the respondents may be directed to consider the case of the petitioner afresh in terms of the directions issued in W.P.No.5158 of 2003 and batch, dated 28.10.2004. On 04.12.2015 an order came to be passed rejecting the case of the petitioner. It is to be noted that the same cannot be said to be in compliance with the order passed by this Court in W.P.No.5158 of 2003 and batch, dated 28.10.2004, more-so, when the same was passed without giving notice to the petitioner.

Accordingly, without going into the merits of the case, this writ petition is disposed of, directing the petitioner to make a formal application for consideration of his case in terms of the judgment in W.P.No.5158 of 2003 and batch, dated 28.10.2004, in which event, the respondents shall, uninfluenced by the contents of the order dated 04.12.2015 passed by them, consider the same and pass appropriate orders, in accordance with law, after giving an opportunity of personal hearing to the petitioner, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 10.12.2015

kvrn

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.1949 of 2006

Date: 10.12.2015

kvrn