

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 41292 OF 2014

ORDER:

The petitioner sought for a writ of mandamus for declaring the action of the respondents in not allowing him to continue in their office as a Shift Operator, after he has reported for duty on 22.06.2014, as illegal.

The case of the petitioner is that he has been forwarded by the 5th respondent contractor to work as a Shift Operator, on contract basis, at 33/11 KVA Sub-Station, Palagalapally, Hindupur, under the control of Respondents 3 and 4. It is also his case that he had worked as a Shift Operator with effect from 01.05.2005, but however, on 22.06.2014, while he was returning home, after the office work, he met with a motor accident resulting in his sustaining certain injuries to his backbone. Consequently, he received treatment as an in-patient at the Government Area Hospital, Kadiri up to 03.12.2014 and thereafter, he submitted a representation on 04.12.2014 enclosing the medical fitness certificate for the purpose of taking him back to duty. As the said representation has not been attended to or disposed of so far, the present Writ Petition has been instituted.

As is too well-known, a writ of mandamus can be issued only for the purpose of enforcing a legal right or for refraining the official respondents from acting in an illegal manner in discharge of public functions. In the instant case, the petitioner has been sent up by the 5th respondent contractor to work as a Shift Operator, on contract basis, at the respondents' office. May be, he may have put in considerable length of service as a Shift Operator on contract basis, but however, that does not vest the petitioner with any legal right, which is enforceable as against the official respondents, for securing re-employment or reinstatement into service as a Shift Operator. Possibly, the 5th respondent may have deputed or sent up another

candidate in place of the petitioner to work as a Shift Operator on contract basis, as the work cannot be left unattended to. Continuing two people against the same post will create any amount of administrative problems for the respondents. Therefore, it is for the petitioner to sort out this issue with the 5th respondent contractor and if the 5th respondent contractor once again forwards his name to Respondents 2, 3 and 4 for the purpose of reengaging his services, on contract basis, as a Shift Operator, then, the respondents, perhaps, would consider his case. Respondents 2, 3 and 4, on their own, cannot entertain the writ petitioner as a Shift Operator and then, replace the substitute forwarded by the 5th respondent. These are all questions, which can only be addressed by the respondents, if only the 5th respondent sends up his name. The 5th respondent, being a contractor, cannot be compelled by this Court to send up the name of the petitioner once again.

I therefore, do not find any justifiable reason to entertain this Writ Petition and accordingly, it is dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

20th January 2015

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