

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6920 of 2005

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ORDER:

The grievance of the petitioners was that the respondents were insisting upon the qualification – ITI Electrical Trade to continue them in service. They sought a consequential direction to the respondents to continue them as Shift Operators in view of their experience and their qualification of ITI.

The petitioners claim to be Shift Operators in the service of the Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL) in Krishna District.

By order dated 31.03.2005, this Court directed that all further proceedings, if any, shall be subject to the orders that may be passed in the writ petition.

The Divisional Electrical Engineer, Operation (Rural), APSPDCL, filed a counter-affidavit stating that the work of Operation and Maintenance of 33/11 KV Sub-Stations were entrusted to contractors through tender notifications and consequential agreements. It is the duty of the Contractor/Agency to carryout the work entrusted to it through such agreement by employing such persons as deemed fit. The contract workers employed by such Contractor/Agency would not be within the purview of the APSPDCL according to the Divisional Electrical Engineer. As regards the change in the qualification alleged by the petitioners, the Divisional Electrical Engineer stated that there was no change at all and no

further conditions had been added to the tender specifications. He further stated that as per his information, petitioners 1 and 2 were not being continued in service by the Contractor/Agency – M/s.Ch.Raju, Konijerla, Krishna District, after expiry of it's present contract.

No reply affidavit was filed by the petitioners though the above counter-affidavit was filed as long back as on 28.01.2006.

It is therefore clear from the pleadings of the APSPDCL that the petitioners have no legal relationship with the APSPDCL and were employed by the Contractor/Agency which was entrusted with the work of Operation and Maintenance of the Sub-Station by the APSPDCL. The grievance of the petitioners, if any, against such Contractor/Agency cannot be made the subject matter of the public law remedy under Article 226 of the Constitution.

The writ petition is therefore misconceived and is accordingly dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

9th OCTOBER, 2015.

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