

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 4618 OF 2015

ORDER:

The petitioner herein sought for a writ of mandamus for declaring the proceedings contained in memo dated 26.10.2009 issued by the 3rd respondent Divisional Electrical Engineer, Vijayawada to the extent of directing her to acquire ITI qualification within four years from the date of appointment by transfer, and further not promoting her as a Lineman on par with her juniors, as illegal.

The case of the petitioner is that she was appointed as a Sweeper-cum-Gardener by the Andhra Pradesh Transmission Corporation in 2000, on compassionate grounds, as her husband died while working as an Assistant Lineman with the same Corporation. While so, the case of the petitioner was considered along with others for appointment by transfer as a Junior Lineman and accordingly, the 3rd respondent Divisional Electrical Engineer passed orders on 26.10.2009 recruiting her by transfer as an Assistant Lineman. However, the said appointment order is made subject to the conditions stipulated therein which made it clear that the candidate shall acquire ITI qualification within four years from the date of appointment by transfer, failing which, the date of commencement of probation in the cadre of Assistant Lineman shall be postponed till such time the said qualification is acquired.

Now the contention of the learned counsel for the petitioner, Sri K. Naganna is that the petitioner, being a woman candidate and also appointed on compassionate grounds, is not able to secure ITI qualification, inasmuch as the same cannot be acquired by studying the course on part-time basis. If the petitioner were to abstain by securing leave, the very purpose of her appointment on compassionate grounds, would get frustrated. Therefore, it will be totally unfair for the 3rd respondent to impose such a condition while

recruiting the petitioner. Hence, the impugned order dated 26.10.2009 appointing the petitioner by transfer as an Assistant Lineman shall be got rid off the stipulation contained therein that she should acquire the qualification of ITI within four years. The petitioner shall be treated and deemed to have acquired the necessary technical skill and expertise by virtue of her service rendered for more than five years to the Corporation as an Assistant Lineman and on that basis, her case shall also be taken up for consideration for promotion to the next higher post of Lineman, inasmuch as the persons appointed subsequent to 26.10.2009 as Assistant Linemen have already been promoted.

I am afraid, the contentions canvassed by Sri Naganna cannot be accepted for more than one valid reason. The post of Assistant Lineman is a technical post in the service of the 1st respondent Corporation. It requires certain basic technical skill and energy for performing the duties attached to the said post. If the service regulations framed by the 1st respondent Corporation require an Assistant Lineman to possess the qualification of ITI (Electrical Trade), it cannot be said that prescription of any such qualification is either unjust or arbitrary. Without possessing the technical qualification, the petitioner, perhaps, cannot be expected to render the services efficiently to the Corporation. It is for the Corporation to consider whether or not the qualification of ITI should be insisted upon to be possessed by a woman candidate, who has been appointed initially on compassionate grounds. Thus, it is for the petitioner to convince the Corporation that she is not required to possess such a qualification. This Court cannot pronounce an opinion that imposing a condition that the candidate should acquire the qualification within a period of four years from the date of appointment, as bad in law.

When the service of the petitioner cannot be regularized without acquiring the ITI qualification, the question of considering her candidature for further promotion as a Lineman would not normally arise. Therefore, I do not see any justifiable reason to entertain this

Writ Petition and accordingly, it stands dismissed at the admission stage. No costs.

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

NOOTY RAMAMOHANA RAO, J

02nd March 2015

ksld