

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 13717 OF 2015

ORDER:

The petitioner herein sought for a writ of mandamus for declaring the action of the 3rd respondent the Superintending Engineer (Operation), Andhra Pradesh Southern Power Distribution Company Limited, Kadapa in considering the case of the third person instead of considering his case for appointment as a Shift Operator at 33/11 KV sub-station, Yogi Vemana University, Kadapa, YSR Kadapa District, as recommended by the 4th respondent Divisional Engineer (Operation), through his memo dated 30.01.2014, as illegal, arbitrary and abdication of statutory duty.

The 2nd respondent Andhra Pradesh Southern Power Distribution Company Limited, Kadapa, on whose behalf, Smt. J. Koteswari Devi, learned Standing Counsel, has accepted notice, it appears, has entered into an outsourcing arrangement with a human resource supplier for the purpose of providing Junior Plant Attendants, Linemen, etcetera for carrying on the maintenance operations at various sub-stations under the administrative control of the Superintending Engineer (Operation), Kadapa. For one such sub-station located at Yogi Vemana University, Kadapa, the name of the petitioner, it is claimed, has been sponsored by the contractor. It is also the further case that the Divisional Engineer (Operation), Kadapa has also recommended the name of the petitioner for the purpose of being engaged as a contract labour. At page 18 of the Writ Petition petitioner book, memo dated 30.01.2014 addressed by the Divisional Engineer to the Superintending Engineer is placed. The name of one B. Dorka Rani has been mentioned in the column meant for the name of the contractor. Quite opposite to her name, two L.S. agreements bearing No. 16 and 17 have been noted. Apparently, these L.S. agreements have been entered into for the year 2013-14. It is no doubt that the name of the petitioner Sri Y. Bala Narasimhulu, a candidate belonging to the Scheduled Castes has also been sponsored by the said contractor. The marks secured by the candidate at SSC examination and at ITI/ITC were also noted therein. It is therefore, for the Superintending Engineer's consideration as to which of these qualified candidates, who are found otherwise suitable, to be engaged for employment. The claim in this case is that the Superintending Engineer is not allowing the petitioner to

resume duties.

If the L.S. agreement with the contractor is subsisting and if that contractor has sponsored the name of the petitioner and if the petitioner has the necessary qualifications and eligibility criteria and also the necessary experience to function as a Shift Operator, it is certainly not open to the Executive Engineer or for that matter, the Superintending Engineer to pick and choose. Similarly, the Divisional Engineer or the Superintending Engineer cannot also sponsor the names of any candidates to the contractor and again get their names re-sponsored. Therefore, the Superintending Engineer (Operation), Kadapa is directed to examine the entire matter and take appropriate action in the case.

The Writ Petition stands disposed of with this order. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

01st May 2015

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