

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.19541 of 2000

Dated : 18.09.2015

Between :

P. Brahmaji Rao S/o.Veerabhadrachary

and another

... Petitioners

A N D

The Singareni Collieries Co.Ltd.,

Rep. by its General Manager (Personnel),

Kothagudem, Khammam District.

and another

.... Respondents

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.19541 of 2000

ORDER:

This writ petition is filed challenging the action of the respondents in not promoting the petitioners as Jamedars, Grade-E and seeking direction to promote petitioners as Jamedars with retrospective effect.

2. Petitioners are initially appointed as B.C.F. (Badili Coal Filler) in April 1976 and confirmed as General Mazdoors in the year 1978 and thereafter they are promoted as Security Guards in the year 1980.

Petitioners contend that respondent No.1 issued a notification for the posts of Jamedar during the year 1997 and a written test was also conducted for the said posts and as per the notification, the Security Guards, who possess minimum academic qualification of 7th Class, are entitled to appear for written test and accordingly, petitioners appeared for written test and stood at Sl.Nos.3 and 5 in the merit list of candidates who appeared for the test. According to petitioners, though there were six vacancies of Jamedars in Ramakrishnapuram area, petitioners, who stood at Sl.Nos.3 and 5, were not given promotion and only two candidates, who were at Sl.Nos.1 and 2, were promoted. It is further contended that in respect of Ramagundam area, K.Veeraiah and K.Krishnaiah were promoted as Jamedars vide proceedings dated 3/4.07.2000 and respondents failed to promote petitioners on par with those two candidates, who got promotion in October, 1997. Petitioners contend that the action of respondents in not promoting the petitioners is illegal, contrary to the principles of natural justice, arbitrary and discriminatory.

3. Respondents filed counter disputing the claim of petitioners and according to counter-affidavit, the Department has identified the vacancies to be filled up and according to the notification, there were two vacancies for Ramakrishnapuram area and therefore Sl.Nos.1 and 2 were alone promoted as Jamedars and as petitioners are at Sl.Nos.3 and 5 and as there were no vacancies as per the notification, they were not promoted. The contention of petitioners that they have to be promoted on par with the candidates promoted in Ramagundam area is not at all correct and those promotions pertain to different area and even there also eligible employees alone are promoted.

4. Heard arguments.

5. Advocate for petitioners contended that as per the notification there is strength of four vacancies for Ramakrishnapuram area, but the Department only gave promotion for two candidates and therefore the action of respondents is arbitrary and discriminatory and on the other

hand, advocate for respondents submitted supporting the plea that was taken in the counter.

6. I have perused the material papers including the notification on basis of which written test was conducted and petitioners appeared for written test. As per the notification in respect of Ramgundam-I area proposed strength in 1996-97 was shown as '6', but Memorandum of Settlement (MOS) as on 30.04.1997 was only '2'. According to petitioners, by proceedings dated 3/4.07.2000, two persons of Ramangudam-I area were promoted and petitioners are entitled for promotion on par with those candidates. Even as seen from the proceedings, only two persons are promoted though the proposed strength was shown as '6' in the notification. This supports the version of respondents that the promotions were given only as per vacancies that exists as on the date of promotion. Even according to petitioners, respondents in stead of giving promotions to six persons, promoted only two i.e., Sl.Nos.1 and 2 and the same is discriminatory. According to petitioners, there are '6' posts as on the date of notification for Ramakrishnapuram area, but the same version is contra to the details referred in the notification which only shows the proposed strength at '4' and MOS as on 30.04.1997 is only '2' in respect of Ramakrishnapuram area. Even as seen from the proceedings dated 3/4.07.2000, out of the strength of '6', only '2' persons were promoted for Ramagudem-I area, likewise in respect of Ramakrishnapuram area though proposed strength was '4', as per MOS only '2' persons were promoted, who stands at Sl.Nos.1 and 2. Therefore, on a scrutiny of the material with reference to notification, the objection of petitioners with regard to the action of respondents, is not tenable and the contention that respondents acted arbitrarily is not well founded. For these reasons, I am of the view that the writ is devoid of merits and liable to be dismissed.

7. Accordingly, this writ petition is dismissed. No costs.

8. Miscellaneous Petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

18th September 2015

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