

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.1800 OF 2005

DATED 12TH OCTOBER, 2015

Between:

S.Srinivas Murthy .. Petitioner

and

The Secretary,

Industries and Commerce Department,

A.P. Secretariat, Hyderabad,

and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.1800 OF 2005

ORDER

The petitioner seeks a direction to the respondent authorities to absorb him in service pursuant to G.O.Ms.No.87 dated 24.03.2003.

Perusal of the said G.O. reflects that it was issued in the context of the special scheme sanctioned for 1486 redeployed workmen of the erstwhile Hyderabad Allwyn Limited. The litigation initiated in this regard having been carried up to the Supreme Court, the Government issued the said G.O. providing for a scheme whereby such employees who were deployed in various Government Departments and State Government Undertakings would continue to be treated as workmen. The G.O. further stipulated that they would be a special class of employees but not Government servants.

It is not in dispute that the petitioner was deployed to the Andhra Pradesh Small Scale Industries Development Corporation (APSSIDC) and was sent to the Public Enterprises Department of the State in 2001. His services were surrendered to the APSSIDC by the Public Enterprises Department of the State under letter dated 12.07.2002. He seems to have addressed representation dated 13.08.2002 to the Secretary, Industries and Commerce Department, Government of Andhra Pradesh, requesting for suitable posting on the ground that the APSSIDC had gone into liquidation and the Liquidator who was incharge refused to take him back in service.

Sri M.V.Krishna Mohan, learned counsel for the petitioner, would contend that all the contemporaries of the petitioner who had joined him in filing W.P.No.22230 of 1996 before this Court which ultimately culminated in the Judgment dated 18.09.2001 rendered by the Supreme Court in Civil Appeal Nos.6734-6745 of 2000, were regularized in the service of the State or State Government Undertakings. He asserted that as the APSSIDC had been wound up, the petitioner would be entitled to seek employment under the State.

If that is the prayer of the petitioner, he cannot canvass the same before this Court in the first instance. As per the law laid down by the Supreme Court in **L.CHANDRA KUMAR V/s. UNION OF INDIA**, he would necessarily have to approach the Andhra Pradesh Administrative Tribunal in the first instance. When faced with this situation, Sri M.V.Krishna Mohan, learned counsel, fairly conceded the position and stated that the petitioner may be granted leave to seek appropriate relief before the Tribunal.

Reserving liberty to the petitioner to do so, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand dismissed. No order as to

costs.

SANJAY KUMAR, J

12th OCTOBER, 2015

PGS