

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.36648 of 2014

ORDER:

The petitioner herein challenges the correctness of the orders passed by the Superintendent Engineer, Operation Circle, Medak Headquarters at Sangareddy on 12.05.2014, setting out that the petitioner is stated to have worked as a Contract Labour in a transformer repairing centre and the petitioner worked in their firm as Accountant which has no relevance to the works of the respondents, and hence, his case is not considered for absorption as per the scheme enunciated herein above.

The case of the petitioner is that at least on two earlier rounds of litigation, when the petitioner approached this Court, no such plea has been taken and for the first time, in the impugned order, the present view has been taken. Thus, the respondents are improving the case from stage to stage.

The learned counsel for the petitioner has placed reliance upon LSK2 agreement Nos.71, 81, 25, 96/97, 17/97-98 and that measurements have also been checked on 26.08.1997. In spite of the same, the case of the petitioner is not considered for absorption.

The learned counsel for the respondents has filed a detailed counter affidavit, wherein it is averred that the service certificate produced by the petitioner and issued by M/s. S & S Enterprises does not contain the agreement numbers and dates of check measurements under which the petitioner is alleged to have worked and hence, the petitioner cannot be treated as a contract employee to have worked for and on behalf of the respondent-corporation. May be the petitioner services have been utilized by the contractor for attending to his transformer repairing workshop, that having no connection whatsoever with the work of the respondents, respondents cannot absorb the petitioner into service.

The material on which the respondents are relying upon is precisely gathered behind the back of the petitioner herein. He never had an opportunity to contradict the material. This apart, if the petitioner has produced a certificate which is countersigned by ADE/MDS Sangareddy, the respondents cannot take the petitioner by complete surprise. If the respondents prefer to rely upon any material, they ought to have provided an opportunity of personal hearing to the petitioner and they ought

to have also summoned the contractor of M/s. S & S Enterprises and in their presence, the issue should have been settled. Therefore, the Divisional Engineer (Operation), Sangareddy Division, Medak District, shall provide an opportunity of hearing to the writ petitioner and M/s. S & S Enterprises contractor and then file the final report before the Superintendent Engineer within one month from today and based upon the finding recorded by the Divisional Engineer, the Superintendent Engineer shall reconsider the case of the petitioner and pass appropriate orders within a period of fifteen (15) days thereafter.

Accordingly, the writ petition is disposed of.

Consequently, miscellaneous petitions, if any pending in this petition, shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

08.04.2015

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