

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.3279 of 2003

ORDER:

This writ petition is filed to declare the action of respondent Nos.1 to 3 in not giving reappointment to petitioner in the office of

3rd respondent on par with respondent Nos.4 to 7, who are juniors to him and who are reappointed by rejecting the claim of petitioner through proceedings dated 20.12.1996 as illegal, irregular, arbitrary and violative of Articles 14, 16, 19 and 21 of Constitution of India.

2. Petitioner was appointed on daily wage basis as NMR on 01.07.1994 on a daily wage of Rs.15/- and he was regularized and later promoted as Clerk with effect from 15.12.1994 on a monthly salary of Rs.800/- and subsequently his salary was enhanced to Rs.1,875/- through resolution dated 18.01.1999. While so, the Divisional Cooperative Officer, Eluru, issued proceedings dated 20.12.1996 directing 3rd respondent to terminate services of petitioner and six others and accordingly termination was given, through resolution dated 17.06.1998. According to petitioner, subsequent to the termination, respondent Nos.4 to 7 are reappointed and that they are juniors to him and the claim of petitioner for reappointment on par with respondent Nos.4 to 7 is not considered and his claim was rejected by the Joint

Registrar-cum-District Cooperative Officer, Eluru, West Godavari District through order dated 28.06.2000 and that the proceedings of the Joint Registrar is illegal, arbitrary, discriminative and violative of principles of natural justice. According to petitioner, he has no other alternative remedy, therefore, he approached this Court invoking the jurisdiction of this Court under Article 226 of Constitution of India.

3. Second respondent filed counter disputing the claim of petitioner and according to counter, petitioner is one among seven persons, whose services were terminated on 16.06.1998 and that petitioner approached this Court through W.P.No.6862 of 1999, which was dismissed by this Court on the ground that petitioner approached directly without exhausting remedies available under A.P. Cooperative Societies Act and A.P. Shops and Establishments Act, liberty was given to petitioner to file appeal before the Joint Registrar and accordingly he filed appeal and the appeal was dismissed on 28.06.2000. According to counter, the appointment of respondent Nos.4 to 7 is in accordance with rules and they have not given reappointment as contended by the petitioner. According to 2nd respondent, there is no discrimination in giving fresh appointment to respondent Nos.4 to 7 and that the writ petition is devoid of merits and petitioner is not entitled for any relief, much less, the relief sought.

4. Heard both sides.

5. Advocate for petitioner contended that 3rd respondent reappointed respondent Nos.4 to 7 ignoring petitioner, who was in fact senior to respondent Nos.4 to 7, therefore, the order of 3rd respondent is illegal, discriminatory. He has drawn my attention to the resolution dated 17.06.1998 through which seven persons were removed and resolution dated 18.01.1999 through which respondent Nos.4 to 7 were given appointment.

6. As seen from the resolutions, respondent Nos.4 to 7 were given fresh appointment through proceedings dated 18.01.1999, but not reappointment as contended by petitioner. From the proceedings dated 18.01.1999 it is clear that 3rd respondent requested Deputy Registrar of Cooperative Societies, Eluru, for filling up the post to the vacancies caused due to resolution dated 17.06.1999 and the Deputy Registrar of Cooperative Societies accorded permission, basing on which fresh appointments were given to respondent Nos.4 to 7. When the appointment of respondent Nos.4 to 7 is fresh, the question of seniority does not arise and it is not known whether the petitioner also applied for these posts in pursuance of notification for filling up of vacancies as per the permission accorded by the Deputy Registrar of Cooperative Societies, Eluru. On a scrutiny of the material, I am of the considered view that there is no

illegality or discrimination in giving appointment to respondent Nos.4 to 7 through proceedings dated 18.01.1999 and that the claim of petitioner is devoid of merits.

7. For these reasons, this writ petition is dismissed.

8. Miscellaneous Petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

18th December 2015.

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