

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No.1341 of 2006

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JUDGMENT: (per the Hon'ble Sri Justice A.Ramalingeswara Rao)
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Heard learned Standing Counsel for the appellants and learned counsel for the respondents.

2. This Writ Appeal was filed challenging the order dated 16.11.2006 in W.P.No.16664 of 2006 passed by the learned Single Judge of this Court.

3. The writ petitioners, who were working as Contract Labour in the respondent/appellant Corporation, applied to the posts of Contract Junior Linemen in response to the notification dated 07.10.2006 issued by the Corporation. In terms of the said notification, the petitioners were over-aged and not eligible to apply. They stated that the respondents have power to relax the condition of age limit as per the note appended to Rule 5 of the Andhra Pradesh Electricity Department Operation and Subordinate Service Rules (for short, the Rules) and since they have relaxed that condition in the case of similarly placed persons and did not extend the same to the petitioners, they filed the above Writ Petition seeking a direction to consider their case for the post of Junior Linemen on contract basis in Guntur Circle. The Writ Petition was disposed of by the learned Single Judge on 16.11.2006 directing the respondents/appellants to consider the issue of extending the benefit of age relaxation as pleaded by the petitioners at the time of selection of the posts which were notified in terms of the note appended to Rule 5 of the Rules. Challenging the said order, the present Writ Appeal was filed.

4. Several Writ Petitions were filed questioning the selections made by the electricity distributing companies and also the interim orders passed in several other Writ Petitions and all those cases came up for consideration before a Division Bench. The Division Bench in **S.Kesava Rao V. The Chairman and Managing Director, APSPDC Ltd., Tirupathi**^[1] considered several contentions elaborately and disposed of the Writ Petitions and Writ Appeals with several directions. In the said decision, as many as 16 declarations were made and among them, declarations (ix) and (x) are relevant, which read as under.

“ (ix) The technical qualifications, the educational qualifications, age and experience etc shall be fulfilled as on the date of the first notification i.e., 6/8.6.2006 alone.

(x) The candidates who have applied pursuant to the notifications dated 6/8.6.2006 as revised on 20/21.10.2006 and fulfil all the requisite qualifications such as technical, educational, age, nativity, experience etc as on the date of first notification, shall alone be considered for the 7114 posts notified by AP Transaco and four distribution companies.”

5. In view of the above, the order of the learned Single Judge dated 16.11.2006, directing the APSPDCL to consider the issue of extending the benefit of age relaxation as pleaded by the petitioners at the time of selection of the posts in terms of note appended to Rule 5 of the Rules, is set aside. The Writ Appeal is liable to be allowed and is accordingly allowed. Miscellaneous petitions pending, if any, stand disposed of. There shall be no order as to costs.

DILIP B.BHOSALE, J

A.RAMALINGESWARA RAO, J

Date: 23.01.2015
TJMR

[\[1\]](#) 2012 (5) ALT 744