

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 41354 OF 2014

ORDER:

The petitioner seeks a writ of mandamus for declaring the action of the respondents in not counting his service from the date of his initial appointment i.e. on 05.11.1997 and computing the service from the date of regularization i.e. on 22.02.2013 for extending the service benefits to him, as illegal and arbitrary.

Sri Chalapathi, learned counsel for the petitioner, when queried to demonstrate as to how the petitioner came to be appointed and as to the orders of regularization of his services, all that the learned counsel would point out is to the document placed at page 9 of the writ petition paper book dated 05.11.1997. It merely sets out that the petitioner has joined duty on 05.11.1997. It does not even refer as to against what post, he was appointed and as to whether he has been appointed on regular or temporary basis. Therefore, in the absence of an order of appointment disclosing the selection and nature of appointment that followed, it will not be safe to draw any inference about the nature of employment of the petitioner. Further, in the Writ Petition paper book, there is no order of regularization placed for me to consider the same. In the absence of this necessary material, the writ petitioner could not have prayed for issuance of a writ of mandamus. Since no legal right much less a fundamental right guaranteed to the petitioner has been demonstrated to have been violated, the writ as prayed for cannot be issued.

The Writ Petition is without any merit and hence, it is dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

20th January 2015

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