

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.5779 OF 2006

ORDER:

-

Heard both sides and perused the records.

The present Writ Petition came to be filed seeking to declare Memo No.CGM(HRD)/GM(S)/ASI/109-PO.1/06, dated 16.03.2006, issued by the first respondent as illegal and arbitrary and set aside the same, in so far as treating the Urdu Alim of Idara-E-Adabiyat-E-Urdu as equivalent to SSC only for Academic purpose and consequently direct the respondents to promote the petitioner as Line Inspector in the existing vacancy granting all other consequential benefits, duly treating the Urdu Alim of Idara-E-Adabiyat-E-Urdu as equivalent to SSC for the purpose of employment.

The factual matrix of the case is as under:

The petitioner was appointed as Helper (presently known as Junior Lineman) in the year 1978 and was subsequently promoted as Lineman in the year 1992. It is stated that the post of Lineman is feeder category for promotion to the post of Line Inspector and the method of promotion is seniority. The minimum qualification prescribed for the post of Line Inspector is 9th class. The petitioner passed Urdu Alim Course conducted by Idara-E-Adabiyat-E-Urdu, Hyderabad, which according to him is equivalent to SSC conducted by the Osmania University. Consequent upon formation of new operation section i.e., Bheemgal (Rural) duly bifurcating the then operation section Bheemgal as Bheemgal (Town) and Bheemgal (Rural), sanction was accorded for the post of Line Inspector, apart from other posts, under Bheemgal (Rural) Section. The petitioner being senior most Lineman, having qualification equivalent to that of SCC, was allotted to Bheemgal (Rural) during bifurcation of the existing section. When the second and third respondents were trying to take steps to fill up the post of Line Inspector with other candidates, the petitioner made representation dated 21.03.2005 to the third respondent enclosing necessary certificates, to consider his case for promotion to the post of Line Inspector.

After receipt of the said representation, the third respondent addressed a letter dated 16.04.2005 to the second respondent, seeking clarification with regard to the qualification of the petitioner. The second respondent issued a Memo dated 09.05.2005 rejecting the request of the petitioner on the ground that no specific orders are issued by the Government of Andhra Pradesh to treat the said qualification as equivalent to SSC. It is stated that W.P.No.21305 of 2005 was also filed before this Court by the petitioner on the same subject matter which was disposed of with a direction to the first respondent to pass orders keeping in view of the clarification issued by the Osmania University. The first respondent issued Memo dated 16.03.2006 treating the Urdu Alim qualification as equivalent to SSC. After receipt of Memo dated 16.03.2006, the petitioner approached second and third respondents requesting them to consider the case for promotion to the post of Line Inspector, for which the DPC is going to be conducted on 24.03.2006. But the second and third respondents failed to consider the same. Challenging the same, the present Writ Petition came to be filed.

Learned counsel for the petitioner mainly submits that in view of the clarification issued by the first respondent in Memo No.CGM(HRD)/GM(S)/ASI/109-PO.1/06, dated 16.03.2006 treating Urdu Alim of Idara-E-Adabiyat-E-Urdu as equivalent to SSC, the petitioner should have been appointed as Line Inspector since the qualification for appointment as Line Inspector is only 9th class.

When the matter is taken up, learned Standing Counsel for A.P.H.B. submits that the case of the petitioner has to be considered for the post of Line Inspector by treating qualification possessed by him as equivalent to SSC. But, however, it is brought to the notice of this Court that the petitioner has already retired from service.

In view of the submissions made by the learned counsel for the petitioner, the Writ Petition is disposed of giving liberty to the petitioner to avail remedy available under law, in case the benefits to which he is entitled, are not paid. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

26.11.2015

vhb