

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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WRIT PETITION No.2685 of 2003

Date:17.11.2015

Between:

N. Appa Rao

... Petitioner.

AND

Eastern Power Distribution Company of A.P., rep
by its Chairman and Managing Director,
Visakhapatnam and others.

...Respondents.

The Court made the following:

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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WRIT PETITION No.2685 of 2003

ORDER:

This writ petition is filed to issue a direction particularly in the nature of mandamus to respondent herein to appoint the petitioner in terms of the particulars furnished by the fourth respondent vide letter No.DEE/O/Z.II/VSP/Ad/A2/D.No.3866, dated 17.10.2001 to the third respondent herein in terms of B.P.Ms.No.36, dated 18.05.1997.

2. According to petitioner, he has been working as Village Electricity Worker from 1987 and he worked from 01-04-1988 to 31-07-1994 under Grampanchayat, Venkatapuram and that Gram Panchayat was merged and amalgamated with the Visakhapatnam Municipal Corporation from 01-08-1994 onwards and since then, he has been working in the Municipal Corporation attending to the works of Venkatapuram Grampanchyat area. According to petitioner, Village Electricity Workers are made eligible to be considered for absorption in terms of B.P.Ms.No.36, dated 18-05-1997 and a notification was issued showing the names of Village Electricity Workers and his name appeared at Serial No.7 and the notification published by the then APSEB., in September, 1997 and that he was directed to attend interview on 15-09-1997. According to petitioner, that all other persons similarly situated for appointment were considered and he alone was not absorbed and the action of the respondents is arbitrary and illegal, consequently an appropriate direction has to be given.

3. Counter affidavit is filed on behalf of the respondents disputing the affidavit averments of the petitioner and according to counter affidavit, after merger of Gram Panchayat into Municipal Corporation, the candidates cannot be called as Village Electricity Workers as they come under the employees of Municipal Corporation and they were appointed as Junior Lineman on contract basis, after merger of Gram Panchayat with Municipal Corporation. It is further contended that the scheme of Village Electricity Worker is meant for only villages, but not to Towns and Cities, therefore, the services engaged by Gram Panchayat are deemed to have dispensed with from 01-08-1994 in view of merger of Gram Panchyat into Visakhapatnam Municipality. It is further contended that petitioner had lost status of Village Electricity Worker by virtue of the said merger and the allegation that other similarly situated persons were selected and working is wrong and the same is denied. It is further contended that there

is no arbitrariness or illegality and the writ is devoid of merits.

4. Heard both sides.

5. It is the specific case of the petitioner that benefits of B.P.Ms.No.36, dated 18-05-1997 were extended to similarly situated persons and the case of the petitioner was not considered by the respondents. This aspect was specifically denied by the respondents in the counter affidavit. Petitioner has not placed any material to substantiate his contention that similarly situated persons were absorbed by the respondents ignoring the petitioner. It is the burden of the petitioner to show the alleged arbitrariness shown by the respondents, but except the allegation, there is no material to support the contention of petitioner. As per the proceedings of the respondent dated 18-05-1997 and as per the terms of agreement dated 05-08-1996, the Village Electricity Workers have to be considered for selection and appointment against 50% of the existing vacancies, subject to the condition that they are not eligible to derive any benefit for their earlier service and on selection, they will be appointed as fresh candidates in APSEB so when such a specific agreement is there that only 50% of workers have to be considered for the existing vacancies, the contention of the petitioner that he is entitled as of right cannot be accepted.

6. On a scrutiny of the material, I am of the view that the petitioner failed in showing that the respondents acted arbitrarily, illegally to give any direction to fourth respondent, therefore, the writ petition is liable to be dismissed as devoid of merits.

7. Accordingly, the writ petition is dismissed as devoid of merits. No costs.

8. As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:17.11.2015

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