

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Writ Petition No.23872 of 2012

Between

K.Srinu
and 3 others

... Petitioners

and

The Chief (Per & Admn),
APHME Ltd.,
Kondapally, Krishna district;
and another

... Respondents

DATE OF JUDGMENT PRONOUNCED: 05-8-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgment? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.23872 of 2012

Order:

Heard Sri D.Balakishan Rao, learned counsel appearing for the petitioners and Sri J.Prabhakar, learned Standing Counsel for the respondents-APHMEL.

2. The petitioners filed the writ petition under

Article 226 of the Constitution of India seeking a Writ of *mandamus* declaring the action of the respondents in not absorbing/appointing the petitioners in their respective posts of Turners (Machinists)/Electricians in the available existing vacancies taking into consideration the fact that the petitioners were recruited after undergoing process of selection and continuing for the last over 4 to 8 years and seeking to fill up the said posts by outsiders as arbitrary, illegal and discriminatory and consequently to hold that the petitioners are entitled for appointment/absorption in the above available existing posts.

3. Briefly stated, the averments in the writ petition are as follows:

(a) It is submitted that the petitioners passed S.S.C and I.T.I and completed apprentice training in the respondents- Andhra Pradesh Heavy Machinery and Engineering Limited, Kondapally, Krishna district (hereinafter referred to as “the Company”). They were appointed in their respective posts of Machinist/Electrician in the respondents-Company after undergoing process of selection with effect from 20-4-2004, 13-3-2004, 20-10-2005 and 15-3-2008 respectively.

(b) It is further submitted that there are 9 posts of Machinist/Turner available under the control of the respondents-Company as on 15-5-2012. Likewise, 3 posts of Electricians are also available. But, the respondents-Company are not considering their just claim for absorption

in the aforesaid vacancies even though they have put in nearly 4 to 8 years of service in their respective posts and gained sufficient experience in the field.

(c) It is further submitted that instead of considering their just claim, the respondents-Company are seeking to notify the vacancies and recruit outsiders thereby depriving their just claim for absorption. Therefore, they filed the present writ petition.

4. The respondents-Company filed a counter contending, *inter alia*, as follows:

(a) It is submitted that the petitioners were engaged as casual labours as per requirement on payment of minimum wages as per the Minimum Wages Act and revised at periodical intervals on the basis of A.P. Gazette issued by the Commissioner of Labour, Government of Andhra Pradesh. Since there is no process of recruitment of Electrician in the present circumstances, the question of considering their request for absorption of these petitioners concerned for the post of Electrician does not arise.

The petitioners 3 and 4 are continued as casual labours.

(b) It is further submitted that the petitioners 1 and 2, who are aspirants for the post of Machinist, could not be considered for the said post. Since there is no process of recruitment of Machinist in the present circumstances, the question of considering their request for absorption of these petitioners concerned for the post of Machinist does not arise. However, the petitioners are continued as casual

labours.

Contending as above, the respondents-Company sought to dismiss the writ petition.

5. Even after filing of the writ petition, the petitioners have been continuing in their respective posts till date.

The respondents-Company did not issue any Notification to fill up the vacancies on permanent basis. The petitioners have put in about 4 to 8 years of service and gained experience in the field. The petitioners accepted that they are agreeable for absorption in Class IV Grade-I posts on permanent basis.

6. Under these circumstances, the writ petition is disposed of directing the respondents-Company to absorb the petitioners in Class IV Grade-I posts on permanent basis for which the petitioners expressed their consent.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

05th August, 2015.

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HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.23872 of 2012

05th August, 2015.
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