

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.30753 OF 2010

DATED:15-9-2015

Between:

Nandakishore ... Petitioner

And

The Central Power Distribution Company of

A.P., Ltd.,

Rep. by its Chairman & Managing Director

Hyderabad

and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. D. Linga Rao

COUNSEL FOR THE RESPONDENTS: Mr. R. Vinod Reddy, Standing Counsel

Telangana Central Power

Distribution Co. Ltd.

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of the respondents in not considering the case of the petitioner for absorption as Junior Lineman in terms of the judgment dt.24.9.1992 in W.P. No.12294 of 1992, with effect from 1989/92 on par with similarly placed individuals and thereby rendering the petitioner ineligible for pension, as illegal and arbitrary.

I have heard Mr. D. Linga Rao, learned counsel for the petitioner, and Mr. R. Vinod Reddy, learned Standing Counsel for the Telangana Central Power Distribution Company Limited.

The petitioner pleaded that he was initially appointed as casual labour on NMR basis in 1983, that he was asked to appear for interview vide Memo dt.22.4.1989 along with others for assessing his suitability for absorption in suitable posts and that accordingly he has appeared for interview on 2.5.1989, but the results were not declared. Therefore, the petitioner filed W.P. No.12294 of 1992. This Court by order dt.24.9.1992 has disposed of the writ petition with a direction to the respondents to communicate the result of the interview to the petitioner within two months from the date of receipt of the order.

The grievance of the petitioner is that though a direction was given by this Court as far back as 24.9.1992 to communicate the result of the interview held on 2.5.1989, the respondents have taken almost nine years for absorbing the petitioner as a result of which he has failed to render qualifying service for pension.

On behalf of the respondents, respondent No.3 has filed a counter affidavit wherein it is *inter alia* stated that the petitioner's case was considered as Trainee Helper in pursuance of B.P. (P&G) Ms. No.36, dt.18.5.1997 and was appointed as such in the year 1998, that later on he was appointed in regular time scale as Helper, and was re-designated as Junior Lineman, in the year 1999 after completion of one year training period as Trainee Helper and that the respondents are therefore justified in their action in not taking into consideration the services rendered by him prior to his appointment as Trainee Helper for the purpose of seniority and pensionary benefits.

A perusal of the order in W.P. No.12294 of 1992 shows that the petitioner was called for interview on 2.5.1989, in pursuance of Memo No.OBD(P)IM.I/A3/1138/85-1, dt.26.8.1985, whereas the respondents have appointed the petitioner as Trainee Helper in pursuance of B.P. (P&G) Ms. No.36, dt.18.5.1997 in the year 1998. These facts would clinchingly establish that the petitioner was not appointed in pursuance of the interview held 2.5.1989 as per Memo dt.26.8.1985 and that his case was considered much later after B.P. (P&G) Ms. No.36 was issued on 18.5.1997. The very plea of the petitioner that the respondents have committed enormous delay in issuing appointment order to the petitioner in pursuance of the direction issued by this Court in W.P. No.12294 of 1992 is wholly misconceived. As the petitioner was

appointed for the first time as Trainee Helper in 1998, he is not entitled to the benefit of any service which he has not rendered as a regular employee prior to his appointment as Trainee Helper.

Learned counsel for the petitioner relied upon Rule 45 of the Revised Pension Rules and submitted that even if the petitioner fails to put in qualifying service of twenty years, still the respondents can consider his case for sanction of pension. I am afraid, I cannot decide this issue as the same does not arise in this case directly. However, the petitioner shall be free to make an appropriate representation to the respondents and in such an event the latter shall consider the same and take an appropriate decision and communicate the same to the petitioner.

Subject to the above directions, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.13516 of 2012 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

15-9-2015

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