

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.25727 of 2003

ORDER:

The petitioner herein joined the services of respondent corporation as Conductor on 01-09-1987 and while he was working as Conductor he was removed from service on 19-09-1989 and after exhausting all departmental remedies he raised industrial dispute in I.D.No.631 of 1993 before Additional Labour Court, Hyderabad wherein the removal order was confirmed through award, dated 20-03-1995.

2. The petitioner filed W.P.No.5643 of 1996 before this Court challenging the award, dated 20-03-1995 and this Court disposed of the said writ petition with the following direction:

“The writ petition is accordingly disposed of ordering that the respondent corporation shall appoint the petitioner to any post below the cadre of Conductor as a fresh candidate within three months from the date of receipt of a copy of this order. No costs.”

3. The petitioner was appointed as Cleaner in pursuance of the above direction and challenging the said proceedings the present writ is filed.

4. According to petitioner, post of Cleaner is neither feeder post to the Conductor nor below the post of Conductor, as on 1997 the post below to Conductor was Booking Clerk and the respondent corporation without giving the post of Booking Clerk issued proceedings appointing the petitioner as Cleaner, therefore, the impugned proceedings are not in accordance with the directions of this Court in W.P.No.5643 of 1996.

5. Heard arguments. I have perused the material papers filed along with the writ petition including the order of this Court dated 08-07-1997.

6. As seen from the affidavit of the petitioner, according to him the proceedings appointing him as Clearner is in clear violation of orders of this Court in W.P.No.5643 of 1996. If the petitioner feels that the orders appointing him as Cleaner are in violation of the orders of this Court in W.P.No.5643 of 1996, the remedy of the petitioner is not to file a fresh writ petition and it is otherwise. The petitioner without invoking the remedy available for violation of the orders invoked the writ jurisdiction. In my view such option is not available to petitioner. In my view this writ for the relief claimed is not maintained.

7. As writ is not maintainable and the remedy of the petitioner is only to take appropriate action for violation alleged, this petition is liable to be dismissed.

8. Advocate for petitioner represented that the petitioner gave representations to the corporation on 30-12-1997 and 09-07-2002 and the corporation has not considered those representations till today, atleast direction may be given to respondent to consider them.

9. Considering the request of advocate for petitioner it is made clear that respondent corporation is at liberty to pass appropriate orders on those two representations, if no orders are passed till today.

10. With above observations, writ petition is disposed of.

11. Miscellaneous petitions pending, if any, shall stand closed.

No costs.

S. RAVI KUMAR, J

December 28, 2015

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