

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 5080 OF 2015

ORDER:

The petitioners herein are all contractors with whom the Andhra Pradesh Southern Power Distribution Company Limited and/or its officers have entered into various agreements for supply of human resources. They sought for a writ of mandamus for declaring the action of Respondents 2 to 5, the Superintending Engineer (Operations), Kurnool and various other Divisional Engineers of the said Corporation in not permitting them to engage their own men as Sub-station Operators and Watchmen in place of the earlier operators, who were appointed as regular Junior Linemen and pressurizing them to engage the candidates proposed by the 2nd respondent, as illegal.

Heard learned counsel for the petitioners as well as Sri P. Lakshma Reddy, learned Standing Counsel, who accepted notice on behalf of Respondents 1 to 5.

The 1st respondent Corporation and/or its officers have entered into various agreements with the petitioners for supply of requisite man-power for discharging various functions at various offices/installations of the Corporation. If an operator is to be engaged at a sub-station run and managed by the 1st respondent Corporation, he should be a qualified person and also must have some essential knowledge with regard to the operations that are normally carried out while functioning at every sub-station. Only for that purpose, Respondents 2 to 5 perhaps will insist upon sponsoring qualified and suitable persons, but the choice to sponsor a particular candidate is that of the petitioner, but not that of the Superintending Engineer or the Divisional Engineer for that matter. If a particular candidate, in the assessment of the Superintending Engineer or the Divisional Engineers, is found not suitable or qualified to work as a Plant Operator, or Sub-Station Operator, the same can be communicated by

way of a note to the respective contractors, so that a suitable candidate will be sponsored by the contractor. The learned Standing Counsel Sri Lakshma Reddy would submit that the Superintending Engineer or the Divisional Engineers never sponsor the names of any candidate and on the other hand, they merely scrutinize the educational and technical qualifications possessed by the candidates sponsored by the contractor and if the candidate is found to be otherwise suitable to act as a Plant Operator or Sub-Station Operator, he will be permitted to discharge his duties at the installation/sub-station concerned without any hindrance.

I quite see the force behind the submission made by Sri Lakshma Reddy. Though working as a Watchman is essentially a kind of supervisory duty in the sense that he is required to protect the installations from being tampered with and also to see to it that no person comes anywhere near the installations, which might cause harm or damage and also danger to the human beings, but whereas, a Plant Attendant or a Sub-Station Operator is essentially required to possess technical knowledge and also certain degree of skill, inasmuch as the operations carried out by him are likely to cause risk and danger not only to the installations or equipment concerned but also to fellow-employees at work. Therefore, it is made very clear that Respondents 2 to 5 herein and for that matter, no other Superintending Engineer or Divisional Engineer of the 1st respondent Corporation shall insist upon sponsoring the names of a particular candidate and the choice in that regard should be left only to the contractor concerned. For any reason, the candidate sponsored by the contractor is not found suitable, by way of a written memo, the candidate must be asked to be replaced by the contractor, but not otherwise.

With this, the Writ Petition stands disposed of at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

03rd March 2015

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