

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

Writ Petition No.27326 of 2012

Between

P.Narendra Babu

... Petitioner

and

The CMD,
APHME Ltd.,
Kondapally, Vijayawada,
Krishna district-521 228;
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

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Order:

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

2. The petitioner filed this writ petition under

Article 226 of the Constitution of India to declare the action of the respondents in not permitting him to discharge his duties as unjust, opposed to the principles of natural justice and for a positive direction to continue him all along as casual employee.

3. The petitioner is a casual workman in the respondents-Organisation. He was appointed on 30-3-2004 and was working in the said post till 03-11-2011 on which date, the respondents without passing any orders or even without issuing any notice directed the petitioner not to attend the duties. He made several requests to permit him to discharge the duties but there was no response from the respondents. On that, he filed the present writ petition.

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

(a) It is admitted that the petitioner was engaged as casual labour as per the requirement and the availability of the work on the date of his appointment. It is further submitted that no person has been engaged as casual labour in the place of the petitioner as there was no requirement. To make permanent recruitment, to fill up the vacancies that arose due to the retirement of the permanent workmen, the District Employment Exchange has been notified of the requirement of Machinists and was requested to forward the names of the prospective candidates as per the rules and that the District Employment Exchange has

since forwarded the names and particulars of the persons in their rolls. In fact, the petitioner's name was figured in the list and it would be considered along with others for written test for the post of Machinist.

(b) It is further submitted that by virtue of Clause-22.2 of the Company Standing Orders, no temporary workman whether monthly rated, weekly rated, piece rated or any probationer is entitled to notice or pay in lieu thereof if his services are terminated. However, in the instant case, there is no specific order of termination but engagement was as per the requirement.

(c) It is further submitted that the name of the petitioner was sponsored by the District Employment Exchange and he was directed to submit his bio-data along with copies of certificates to examine his eligibility criteria for issuing call letter for attending to the post of Machinist. The petitioner has accordingly submitted his bio-data along with certificates in proof of his qualifications, Date of Birth, Caste etc. As per the procedure, the respondents-Organisation will conduct written test and interview as per the rules in vogue and fill up the vacancies.

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

5. The respondents-Organisation specifically denied in the course of their counter regarding any termination orders passed against the petitioner. Therefore, the submission made by the petitioner that he was orally informed not to

attend the work is substantiated by the averments made in the counter filed by the respondents-Organisation.

Even if the petitioner is a casual workman, the principles of natural justice are required to be followed before disengaging the services of the petitioner, but the respondents-Organisation did not follow the same in the instant case.

6. Under these circumstances, the writ petition is disposed of directing the respondents-Organisation to absorb the petitioner in Class IV Grade-I post on permanent basis for which the petitioner expressed his 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.27326 of 2012

05th August, 2015.
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