

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 5806 OF 2015

ORDER:

The petitioner herein seeks a writ of mandamus for declaring the action of the respondents in not approving his workmen as Shift Operators and also as Watchmen to work at 33/11 KV Sub-Station at Doddavaram, Maddipadu Section, Ongole Circle, Prakasam District, as illegal.

The petitioner has entered into a contract for supply of manpower. It is his obligation to supply the manpower in terms of and in accordance with the contract, which is valid up to 20.05.2016. The grievance in this case is that the respondent authorities, in particular the Divisional Engineer (Operations) and his subordinate Assistant Divisional Engineer and Assistant Engineer concerned are not entertaining the persons whom the petitioner has appointed and sponsored to work as Shift Operators and as Watchmen. The respondents are obliged to verify the qualifications of the persons sponsored by the contractor and make an assessment of their suitability, but however, they have no right of any manner to suggest to the contractor as to who should be the individual that should be sponsored as a Shift Operator or for that matter, as a Watchman. The petitioner has not submitted any detailed representation to solicit the reasons for the Divisional Engineer and his subordinates in not entertaining the candidates said to have been sponsored by him. One really wonders whether the said candidate has reported to duty along with all other certificates vouching for his qualifications and experience. Therefore, without first approaching the Divisional Engineer or for that matter, the Superintending Engineer, the writ petitioner could not have straight away instituted this Writ Petition seeking a writ of mandamus.

Therefore, preserving liberty to the petitioner to work out securing redressal for his grievance by representing to the Divisional

Engineer concerned or the Superintending Engineer, this Writ Petition is dismissed at the admission stage.

The 1st respondent Corporation being a public authority cannot go on engaging the required manpower through a contractor. That will be frustrating the rights of eligible and suitable persons for getting employed in a public sector undertaking. Unless one comes to know the contractor, he will not be sponsored for employment with the 1st respondent. In other words, the contractor is now becoming a recruiting agency. There is no guarantee that he will be selecting the best or the most suitable. For private considerations and affections, he would be sponsoring the candidates. Since the 1st respondent Corporation requires certain manpower for essentially undertaking the operations by it, it is directed to make a realistic assessment of the manpower required to be engaged on regular basis for operating 33/11 KV sub-station and then take appropriate measures for recruiting the qualified and suitable candidates by taking out an advertisement, duly following the principles of reservation applicable to various social segments, such as Scheduled Castes, Scheduled Tribes, Backward Classes and other statutory and non-statutory reservation segments. Let this exercise be completed within a maximum period of three months from the date of receipt of a copy of this order, so that at some stage, the contract employment can come to an end and qualified persons will get recruited on regular basis.

The miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

09th March 2015

ksld