

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.14465 of 2015

ORDER:

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This writ petition is filed seeking the following relief:

“to issue appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 in considering the case of the 3rd person instead of considering my case for appointment as Shift operator at 33/11 K.V.Sub Station, Yogi Vemana University, Kadapa, Y.S.R. District as has been recommended by respondent No.4 through his Memo No.DE/O/KDP/AE/Tech/F.No./D/Mp/89/14, dated 30.01.2014 as arbitrary, illegal, abdication of statutory duty cast on him and violative of the fundamental rights guaranteed to me under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to issue appointment orders by appointing me as Shift Operator at 33/11, K.V.Sub Station, Yogi Vemana University, Kadapa, Y.S.R.District and to direct the respondent No.3 to consider the Memo No.DE/O/KDP/AE/Tech/F.No./D/Mp/89/14, dated 30.01.2014 communicated by the respondent No.4 for appointing me as Shift Operator at 33/11 K.V. Sub Station, Yogi Vemanna University, Kadapa, Y.S.R. District forthwith, pending disposal of the above writ petition.”

2. The 2nd respondent Andhra Pradesh Southern Power Distribution Company Limited, Kadapa, on whose behalf, Smt. J. Koteswari Devi, learned Standing Counsel, has accepted notice, it appears, has entered into an outsourcing arrangement with a human resource supplier for the purpose of providing Junior Plant Attendants, Linemen, etcetera for carrying on the maintenance operations at various sub-stations under the administrative control of the Superintending Engineer (Operation), Kadapa. For one such sub-station located at Yogi Vemana University, Kadapa, the name of the petitioner, it is claimed, has been sponsored by the contractor. It is also the further case that the Divisional Engineer (Operation), Kadapa has also recommended the name of the petitioner for the purpose of being engaged as a contract labour. At page 17f the Writ Petition petitioner book, memo dated 30.01.2014 addressed by the Divisional Engineer to the Superintending Engineer is placed. The name of one B. Dorka Rani has been mentioned in the column meant for the name of the contractor. Quite opposite to her name, two L.S. agreements bearing No. 16

and 17 have been noted. Apparently, these L.S. agreements have been entered into for the year 2013-14. It is no doubt that the name of the petitioner Sri S.Mahesh Babu, a candidate belonging to the B.C-A Category has also been sponsored by the said contractor. The marks secured by the candidate at SSC examination and at ITI/ITC were also noted therein. It is therefore, for the Superintending Engineer's consideration as to which of these qualified candidates, who are found otherwise suitable, to be engaged for employment. The claim in this case is that the Superintending Engineer is not allowing the petitioner to resume duties.

3. If the L.S. agreement with the contractor is subsisting and if that contractor has sponsored the name of the petitioner and if the petitioner has the necessary qualifications and eligibility criteria and also the necessary experience to function as a Shift Operator, it is certainly not open to the Executive Engineer or for that matter, the Superintending Engineer to pick and choose. Similarly, the Divisional Engineer or the Superintending Engineer cannot also sponsor the names of any candidates to the contractor and again get their names re-sponsored. Therefore, the Superintending Engineer (Operation), Kadapa is directed to examine the entire matter and take appropriate action in the case.

4. The Writ Petition stands disposed of with this order. Consequently, the miscellaneous applications, if any shall also stand disposed of. There shall be no order as to cost.

A.V.SESHA SAI, J

Date:14.05.2015

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W.P.No.14465 of 2015

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Dated 14.05.2015

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.14465 of 2015

Dated 14th May, 2015

Between:

S.Mahesh babu s/o S.Chendrayudu,

Aged about 23 years, Occ: Unemployee,

R/o Door No.20/154, Babjipeta,

Kadapa Mandal, Y.S.R. District.

...Petitioners

And

The State of Andhra Pradesh, represented

By its Principal Secretary, Energy Department,

Secretariat Buildings, Hyderabad and four others.

... Respondents

