

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.4573 OF 2002

ORDER

The petitioners joined the service of the respondent Corporation as Sub-Engineers, an initial recruitment under Engineering Service Establishment on different dates and are working till date. The next higher post under the respondent Corporation is Assistant Engineer and the method of recruitment for the said post is both by Direct recruitment and recruitment by transfer from among those working in the cadre of Sub-Engineer and also should possess degree in Engineering. The quota for recruitment by transfer is limited to the extent of 10% of the available vacancies at the time recruitment as per amendment issued in B.P.Ms.No.354, dated 12.12.1994. It is further stated that A.P.S.E. Board has been bifurcated into two independent Corporations viz., A.P.Power Transmission Corporation and A.P.Power Generation Corporation with effect from 01.02.1999. It is also submitted that the A.P. Power Generation Corporation recruited 370 Assistant Engineers by direct recruitment during September, 2000, but however did not choose to cause orders for appointment by transfer to the post of Assistant Engineers from among those working as Sub-Engineers While so, the respondent notified 263 posts of Assistant Engineers for being filled up by direct recruitment and the process of recruitment is at the final stage and the respondent corporation is silent in causing proportionate appointments to the post of Assistant Engineer from among the Sub-Engineers to the extent of 10% of the vacancies in terms of Board proceedings dated 12.12.1994. The action of the respondent corporation in not following the service regulation issued in B.P.Ms.No.354, dated 12.12.1994 and failure to cause appointments to the post of Assistant Engineer both by direct recruitment and recruitment by transfer at the time of each recruitment amounts deprivation of legitimate right of the employees working under the

corporation.

Counter affidavit is filed by the respondent-Corporation admitting that the Graduate Sub-Engineers with minimum of 4 years service in the category of Sub-engineer or 4 years service in all in the category of Assistant-Supervisor, Sub-Overseer, Lineman, Tester etc., shall be appointed by transfer as AE's subject to the following conditions.

i) Assistant Engineers recruitment from among graduate Sub-Engineers shall be limited to 10% of the vacancies at the time of each recruitment

ii) They are not entitled for any service weightage

iii) They have to take the lower rank as on the date of appointment below the junior most AE Trainee as on the date

It is also stated that the S.E. in charge of the Circle/Project and CE in charge of the Project establishment shall be appointing authorities for the category of Sub-Engineers. The unit of operation for the category of Sub-Engineer is Circle/Project. It is further stated that the APGENCO recruited 400 AE's during 2000 and 250 AE's during 3/2002 by direct recruitment. While appointing AE's by direct recruitment, the APTRANSCO was requested for appointment of AE's by transfer from Sub-Engineers. Accordingly, all the petitioners except 9 and 12 to 14, were appointed by transfer as AE's (Elect, Civil, Mech & Telecom) vide T.O.O. (Per-GM) Ms.No.56 dated 24.05.2002 and T.O.O. (Per-GM) Ms.No.14, dated 22.04.2002 in the time scale pay of Rs.7250-300-7850-350-9600-400-11200 subject to the terms and conditions. It is further submitted that APGENCO notified 268 (General 250 & Backlog 018) AE's/EI for appointment by direct recruitment and appointment orders were issued vide G.O.Ms.No.679/GM(A)/2001 dated 19.03.2002.

Learned counsel for the petitioners submits that as per notifications dated 23.10.1999 and 28.08.2001 total 568 posts of Assistant Engineers were notified where 10% should be earmarked for

Sub-engineer as per B.P.Ms.No.354, dated 12.12.1994 and accordingly the promotions of the petitioners have to be made.

In this case, though petitioners were appointed in 2002, their seniority is being affected. They have to be given retrospective promotion as per B.P.Ms.No.354, dated 12.12.1994.

None appears for the respondents.

As per the counter affidavit, petitioners were appointed in the year 2002 vide T.O.O. (Per-GM) Ms.No.56 dated 24.05.2002 and T.O.O. (per-GM) Ms.No.14, dated 22.04.2002 subject to certain terms and conditions.

Since the grievance of the petitioners in the writ petition is that they are not considered for appointment as per B.P.Ms.No.354, dated 12.12.1994, the same stands redressed because in the counter it is stated that petitioners were appointed as Assistant Engineers. But as far as the seniority aspect is concerned, if the petitioners are aggrieved, it is open for them to challenge the same as per law.

With the above observation, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 16.07.2015
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