

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Appeal No.919 of 2016

Date: 28.09.2016

Between:

P.Venkateshwarlu

... Appellant

and

The Superintending Engineer
(S.E.) APCPDCL, Mahaboobnagar
Telangana State

...Respondent

Counsel for the Appellant: Mr.DL.Pandu

Counsel for the respondent: Mr.R.Vinod Reddy, SC for TSSPDCL

The Court made the following:



Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by Order, dated 21-07-2016, in W.P.16923 of 2013, whereby the learned Single Judge has dismissed the said Writ Petition, the unsuccessful petitioner therein filed this Writ Appeal.

As his ill luck would have it, the appellant, who was engaged by a contractor for serving the erstwhile Andhra Pradesh Central Power Distribution Company Limited, which is replaced by the Telangana State Southern Power Distribution Company Limited, lost his right hand up to shoulder, while he was attending to repair work on electric pole. Since then, he appears to have been doing rounds to the office of the respondent to provide him with some employment.

Mr.R.Vinod Reddy, learned Standing Counsel for the respondent- Telangana State Southern Power Distribution Company Limited (TSSPDCL), informed us that on 08.08.2011, the petitioner was paid a sum of Rs.1.50 lakhs by the contractor, who engaged him, and that in the year 2015, the respondent has offered an *ex gratia* of Rs.1 lakh, which the petitioner has declined evidently with the fear of losing his right to claim employment.

While it is true that *in stricto sensu*, a contract labourer, working under a contractor, may not have the right to claim employment, one cannot ignore the ground reality that in whatever capacity the petitioner was made to work, he has lost his valuable limb while serving the respondent- TSSPDCL, which, undoubtedly, is 'State' within the meaning of Article 12 of the Constitution of India. Therefore, the claim of the petitioner for employment cannot be altogether ignored by the respondent. The respondent is, therefore, directed to consider engaging the petitioner atleast on contingency basis, if not on permanent basis, based on his educational qualifications. We hope and trust that the respondent, after obtaining instructions from his superiors, will take a conscientious decision keeping in view the humanitarian considerations and observations made by us in this order and communicate the same to the petitioner within one month from the date of receipt of this order.

Subject to the above observations and direction, the Writ Appeal is disposed of. The petitioner is also permitted to receive the *ex gratia* sum of Rs 1 lakh offered by the respondent, which shall not be treated as waiver of his claim for employment.

As a sequel to disposal of the Writ Appeal, WAMP.No.2134 of 2016, filed by the appellant for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 28th September, 2016
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