

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.8302 OF 2011

Dated:27.09.2016

Between:

S. Ganesh, S.o.Late Satyam,
Aged about 29 years, Occ: NMR Clerk
S.V.G.C. Sugars Limited, Bhima Singi
Village & Post, Jami Mandal, Vizianagaram
District and others

.. Petitioners

AND

The Government of Andhra Pradesh, rep.,
by its Secretary, Industries Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.8302 OF 2011

ORDER:

This Writ Petition is filed for the following relief:

“... to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not giving regular appointment to the petitioners on the basis of Scheme of Compassionate grounds as arbitrary, illegal, discriminatory, opposed to very object of the Scheme and violative of Articles 14 and 15 of the Constitution of India and consequently direct the 3rd respondent to regularise the services of the petitioners in their respective posts with effect from the date of their initial appointment forthwith in the interest of justice and pass such other or further orders as are necessary.”

2. Learned counsel for the petitioners submits that the father of the petitioners were in service and on account of their death, the petitioners were given seasonal employment in the 3rd respondent – factory and they claim for appointment on compassionate grounds on regular basis which is not acceded to and even now they are continuing as seasonal employees. He further submits that in the year 2007, a similarly situated person was appointed on compassionate ground, whereas the same benefit was not extended to the petitioners.

3. On the other hand, Sri P.V. Ramana, learned Standing Counsel for respondent No.3, would submit that the factory is in huge financial difficulties and sustained heavy losses and is running with borrowed funds. In view of the peculiar financial position, it is not possible for the factory to appoint any person on regular basis. However, he would fairly submit that this Court passed a detailed order in W.P.M.P.No.1561 of 2011 on 05.09.2011 and they would comply with the said order as long as the factory is in operation.

4. Learned counsel for the petitioners, having regard to the legal position as well as the financial constraints of the respondents, would fairly submit that the petitioners would be satisfied, if the said interim order is continued.

5. This Court, having taken note of the fact that the petitioners are engaged on NMR basis, passed the following order in W.P.M.P.No.1561 of 2011 on 05.09.2011:

“Hence, the interim order dated 30.03.2011 is made absolute, subject to the conditions that-

- (a) the respondents shall invariably engage the writ petitioners in every season; and
- (b) if the respondents have the necessity to engage persons for any work whatever outside the season, the cases of the petitioners along with other similarly situated persons shall be considered on priority basis, and others shall be appointed only after they are engaged.”

6. In view of the statement made by learned counsel for respondent Sugar factory, the above said order is made as final order and the Writ Petition is accordingly disposed of. It is needless to observe that as and when the factory attains the financial stability and the requirement of regular recruitment, the claims of the petitioners may be considered. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date: 27.09.2016

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