

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No.124 of 2016

Between:

1. Thopela Vinay and others

APPELLANTS

And

1. A.P. Power Generation Corporation Ltd., (presently TS Genco Ltd.)
Vidyut Soudha, Somajiguda, Hyderabad-82, rep. by its Managing
Director, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No.124 of 2016

JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

This writ appeal arises out of an interim order passed both in a contempt petition and in a vacate stay petition.

2. Heard Mr. Chandraiah Sunkara, learned counsel for the appellants and Mr. G. Vidyasagar, learned Senior Counsel appearing for the respondent-corporation.

3. The appellants filed a writ petition in W.P.No.31857 of 2014, seeking a Writ of Mandamus to direct the A.P. Power Generation Corporation Limited to appoint them as Junior Plant Attendants or as Casual Labourers in Kakatiya Thermal Power Project under the quota reserved for land losers. Pending disposal of the writ petition, the appellants herein also sought an interim direction to the very same effect.

4. While admitting the writ petition a learned Single Judge granted interim direction on 10.12.2014 directing the respondents to engage the appellants as Casual Labourers, against the existing vacancies, within six weeks.

5. The Power Generation Corporation filed a vacate stay petition. In the meantime, the appellants filed a Contempt Petition.

6. The learned Judge took up the vacate stay petition and the contempt petition together and passed an order dated 04.01.2016, vacating the interim order and closing the contempt petition. Aggrieved by the said order, the appellants are before us.

7. It is seen from the interim as well as the main prayer made in the writ petition filed by the appellants, that both were one and the

same. Therefore, the refusal of the learned Judge to grant interim directions, which were nothing but the final prayer made in the writ petition, cannot be found fault with.

8. Admittedly 50% of the vacancies were reserved for land losers. The appellants herein did not come within the zone of consideration under the quota for regular appointments. Once they lose the right to be regularly appointed under the quota reserved for land losers, we do not know how the appellants can claim a right to be appointed as contract labourers. Therefore, the refusal of the learned Judge to continue the earlier interim order cannot be found fault with. Hence, the writ appeal is dismissed. It will be open to the appellants to raise all the points at the stage of final disposal of the writ petition. The writ petition may be listed at an early date before the appropriate Judge holding the roster.

9. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

8th December, 2016
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

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Date: 08-12-2016

Js.