

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.1651 OF 2009

ORDER:

The writ petition is filed questioning the inaction on the part of the respondent-Corporation in filling up of the post of the Electrician (DC) for the last ten years.

In terms of the facts as pleaded in the writ affidavit are that the petitioner came to be recruited in the year 1991 as a Shramik and thereafter in the year 1999 a trade test was conducted to fill up the Electrician (D.C) post and the petitioner equally passed the same on 19.09.1999 as evidenced from the proceedings dated 13.10.1999. Thereafter, four vacancies of Electrician (D.C) have arisen on account of the retirements and deaths of the persons who are working in the Corporation. In spite of the same, the vacancies are kept pending and however on 23.01.2009, proceedings were issued by the 2nd respondent to fill up the said posts. Surprisingly, the respondent-Corporation is insisting for conducting the trade test once again, in contravention of the circular dated 13.11.2000 wherein it was categorically stated that for promotion to the post of Hamerman also a candidate must pass the trade test. When once an employee is qualified in the trade test, he need not appear for the test again as there is an element of discretion that is being shown.

Learned counsel for the petitioner placed reliance on the order dated 23.04.1996, passed by this Court in W.P.No.17152 of 1995, to support the case of the petitioner.

On the other hand, Sri A. Rama Rao, learned standing counsel appearing on behalf of the respondent-Corporation while opposing the writ petition submits that the very circular clarifies that in view of the

technological developments which have been taking place that if the recruitment is more than 10 years old, it is necessary to conduct the trade test once again as otherwise, there is always a possibility of the persons with earlier knowledge to become absolute and there by they would not be suitable for the job to be conducted.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent-Corporation.

Perused the record. It may be noted that the circular dated 13.11.2000 is not challenged before this Court. As far as the petitioner is concerned, he is relying on the first part of the circular wherein what is the practice in vogue was stated. However, the 2nd part of the said circular on which the learned counsel for the petitioner relying clarifies that on account of the same is being issued on the clarifications sought from certain of the depots. The clarifications reads as under:

“One of the Units has sought for clarification as to the eligibility of a candidate for promotion who had qualified in the Trade Test about 20 years back.

The matter has been reviewed once again.

In view of changes in the method of working and technological developments over a period, it is decided to fix a validity period of 10 years of passing Trade Test for promotion wherever required. After passing the Trade Test, if the employee is not promoted within the period of 10 years from the date of passing the Trade Test, he may have to appear for the Trade Test once again.

Necessary action shall, therefore, be taken accordingly. These instructions shall come into force with immediate effect.”

The very circular itself is clear that the requirements to conduct a trade test if the recruitment is before ten years.

Apart from, yet another circular issued by the Personal Officer-III of the respondent-Corporation on 25.09.2008 to the Works Manager, A.P.S.R.T.C, Kadapa which reads as under:

“Please refer to the letter reference 2nd cited through which it is requested to clarify whether to fill up the existing Electrician (DC) vacancies with already Trade test passed candidates and to conduct fresh trade test to the eligible candidates for filling up of remaining 2 DC Electrician or to conduct fresh Trade test to fill up all the DC Electrician vacancies.

In this connection, you are requested to conduct a trade test for filling up of 4 vacancies of Electricians in ZWS duly exempting the two candidates who have passed the Trade test in the year 1999 and take action in filling up the four posts of DC Electricians. The candidates who had passed the trade test in the year 1992 shall appear for the trade test again.”

In the light of the above and in the absence of a challenge to the circular that was issued in the year 2000, this Court is not inclined to interfere and substitute its opinion with the requirement of qualification in place of what is prescribed by the respondent-Corporation. Further, the rational in insisting on a trade test cannot be found fault especially in the current scenario of fast developments taking place in the technology which does not survive for not more than two to four years. If an employee is to be useful to the Corporation, it is necessary that they equip and upgrade themselves with the latest technology to enable them to serve the organization better. So far as the order dated 23.04.1996 passed by this Court in W.P.No.17152 of 1995, the same has no application to the facts of the case on hand inasmuch as it is a case where there is also selected panel list prepared and then in such circumstances this Court

directed that the recruitment shall be undertaken by giving preference to the selected panel list until it is exhausted. Therefore, it has no bearing whatsoever to the case on hand. There is no merit in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALL KODANDA RAM,J

Date:06.09.2016
Gk.



HONB'E JUSTICE CHALLA KONDANDA RAM



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