

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.23158 of 2016

ORDER:

The petitioner claims that he belongs to BC-B community and he passed 7th class examination, but failed in 9th class examination. He worked as Village Electricity Worker and when 50% of the existing vacancies were filled with Ex-Casual Labour, Village Electricity Workers and Contract Labour, the petitioner was appointed as Contract Junior Lineman in terms of Memo dated 01.07.2002 and N.O.O.Ms.No.209, dated 16.10.2003. The services of the petitioner as Contract Junior Lineman were renewed along with others pursuant to Memo dated 03.01.2005. When a decision was taken to regularize the Contract Junior Linemen, his services were regularized. Thereafter, he was transferred from Warangal Division to Mahabubabad Division and he has been working there since 28.07.2007. He was promoted as Assistant Lineman and was posted at Dwarakpet A.E. Operation, Narsampet (T), vide Memo dated 11.01.2013. It appears that one Sri K.Sateesh Kumar made a complaint on 26.11.2015 against the petitioner alleging that he submitted false transfer certificate of 9th class discontinued and got his services regularized and got promotion as Assistant Lineman. A vigilance enquiry was conducted behind the back of the petitioner pursuant to the said complaint and on the basis of the said report, an order of suspension was passed on 13.05.2016. Challenging the said order of suspension, the present Writ Petition is filed.

Even though two weeks time was granted on 14.07.2016 for getting instructions, no instructions were issued to the learned Standing Counsel for the respondents and hence this Writ Petition is being disposed of after hearing the learned Counsel for the parties.

Learned Counsel for the petitioner submits that no minimum qualification is prescribed for the post of Junior Lineman which was

earlier called as Helper, though the qualifications were amended in B.P.Ms.No.1048, dated 23.09.1989, prescribing SSLC/SSC/10th Class, a pass in ITI preferably with Electrician Trade or Vocation Course in Electrical Trade. He further submits that qualification has no relevance for initial appointment as well as for regularisation and the 9th class discontinued certificate need not be taken for the purpose of service of the petitioner. Learned Counsel further submits that though B.P.Ms.No.1048, dated 23.09.1989, prescribed a minimum qualification of SSLC/SSC/10th Class, since the petitioner was working since 1987, the said qualification cannot be applied to his case.

Admittedly, the services of the petitioner were regularized on the basis of the certificate produced by him which stated that he discontinued 9th class. If minimum qualification is taken into consideration, whether he discontinued 9th class or passed 9th class has no bearing on the qualification. The present allegation relates to production of fake certificate and the matter has to be enquired into.

In the circumstances, this Court is not inclined to interfere with the enquiry process. However, since the petitioner was appointed long back and he was also promoted, this Court feels that the suspension of the petitioner pending enquiry is unwarranted.

Accordingly, the impugned order dated 13.05.2016 keeping the petitioner under suspension is set aside, but liberty is given to the respondents to conduct enquiry in accordance with the rules and pass appropriate orders thereon.

The Writ Petition is, accordingly, allowed to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

28.07.2016
vs