

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NOS.34690 AND 37998 OF 2012

COMMON ORDER:

The petitioners, 51 in number, seek a direction to the respondent-Kothagudem Thermal Power Station to give them preference while engaging contract/casual labour in the maintenance of the 5th and 6th stages of Kothagudem Thermal Power Station, Palvancha, Khammam District by considering the service certificate issued by M/s. VTD Labour contract Co-op Society Ltd.

Smt. K. Udaya Sri, Learned Standing Counsel for the respondent, would point out, not without justification, that the contractor, under whom the petitioners claim to have worked, has not even been arrayed as a respondent in the writ petition; since the construction of the 5th and 6th stages of the Kothagudem thermal power station has already been completed, no casual labour is being engaged; and the petitioners cannot claim, as of right, that they should be given preference even while engaging the services of casual labour.

The petitioners cannot claim any right for appointment with the respondent-corporation, as there never existed any employer-employee relationship between them; and the mere fact that their services were engaged by the contractor does not entitle them to claim that the principal employer should continue their services. No relief can, therefore, be granted directing the respondents to engage the services of the petitioners.

Sri C. Damodar Reddy, Learned Counsel for the petitioner, would submit that, even now, casual labourers are being engaged for the

maintenance of the project; and as the petitioners have the necessary experience, nothing prevents the respondent-corporation from considering them for being engaged as casual labour. While no direction can be issued to the respondent-corporation to engage the services of the petitioners, I have no reason to doubt that on a representation being made by the petitioners, and if the respondent is engaging casual labour from time to time, their request shall also be considered in accordance with law.

Subject to the above observations, the Writ Petitions are closed.

The miscellaneous petitions pending, if any, shall also stand closed.

RAMESH RANGANATHAN, ACJ

Date: 09.12.2016
MRKR

