

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.28108 of 2010

ORDER :

This writ petition is filed seeking *Mandamus*, declaring the action of the respondents in not considering the cases of the petitioners for regularization basing on their seniority, who are working in the Corporation as Sramiks more than one decade on out-sourcing basis, as illegal and arbitrary, and consequently, sought a direction to the respondents to consider their cases for regularization of their services without reference to the Notification dated 01.11.2010.

2. This Court, by order dated 16.11.2010 in WPMP.No.35849 of 2010, granted interim orders as follows:

“The question involved in this writ petition is as to the right of the candidates, who have undergone apprentice training with A.P.S.R.T.C. at various points of time, in the context of selection to the posts of Shramiks. The petitioners have passed I.T.I course and have undergone apprentice training in the A.P.S.R.T.C. The corporation issued notification for selection and appointment of Shramiks on 01.11.2010. The age limit is stipulated as 30 years with relaxation to the extent of five years in favour of the candidates belonging to Scheduled Caste, Scheduled Tribe and Backward classes. There is no provision for relaxation of age limit in favour of apprentice trainees. Reliance is placed upon the judgment of the Supreme Court rendered in U.P. State Road Transport Corporation and another v. U.P. Parivahan Nigam Shishukhs Berozgar Sangh and others reported in AIR 1995 Supreme Court 1115. The Honourable Supreme Court conferred the following points upon the trainees:

“(1) Other things being equal, a trained apprentice should be given preference over direct recruits.

(2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The

decision of this Court in *Union of India v. Hargopal*, AIR 1987 SC 1227, would permit this.

(3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in this concerned service rule. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The concerned training institute would maintain a list of the persons trained year wise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior.”

This judgment was implemented by the Corporation and it issued notification in the year 1999. It provided for relaxation for age limit by four years to apprentice trainees with the Corporation. Thereafter, no perceptible change has taken place. On the other hand, one fact in favour of the petitioners is that almost for a decade, no recruitment has taken place. Therefore, there is no reason why the Corporation should deviate from that practice. It is a matter of record when the recruitment had taken place in pursuance of the notification did not fructify.

Hence, there shall be interim direction to the respondents to receive and process the application by extending the benefit of relaxation to an extent of four years in favour of those candidates, who have undergone apprenticeship training with the Corporation.”

3. Today, when the matter is taken up for hearing, learned counsel for the petitioners submits that the writ petition be disposed of in terms of the aforesaid interim orders and no further orders are necessary.

4. The learned Standing Counsel for the respondents – Corporation submits that he has no objection for the same.

5. In view of the submissions made by the learned counsel for the parties, this writ petition is disposed of in terms of the

aforesaid interim order dated 16.11.2010. No order as to costs.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

14.11.2016.
Msr



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