

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.37218 OF 2015

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Dated:22.06.2016

Between:

J.Dara Babu, S/o.J.Guruvulu,
Aged 39 years, Occ: Foreman Grade-I,
R/o.Mothugudem, East Godavari District

...Petitioner

And

Andhra Pradesh Power Generation Corporation Ltd.,
Rep.by its Managing Director, Vidyut Soudha,
Somajiguda, Hyderabad and three others

... Respondents

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ORDER:

The petitioner joined the service of the erstwhile Electricity Board on 06.12.1996 as a Mazdoor. He was promoted as Junior Plant Attendant and thereafter as Plant Attendant. He was promoted as Foreman Grade-IV, Foreman Grade-II and Foreman Grade-I. He belongs to Scheduled Caste (Mala). He was promoted as Foreman Grade-I by proceedings dated 16.07.2015 and he joined as such immediately. There was a dispute with regard to the social status of the fourth respondent and one A.D.V.Prasad, Foreman Grade-II, who belongs to a scheduled Tribe Community, was promoted as Grademan-I against the post reserved for scheduled tribe. When proceedings were issued on 04.11.2015 by the Joint Secretary (Personnel) suggesting some changes in the promotions made earlier and also directing the deletion of the name of the petitioner from Foreman Grade-II from the approved list dated 01.07.2015, the present writ petition is filed.

A counter affidavit is filed on behalf of respondents 1 to 3 stating that A.D.V.Prasad belongs to Scheduled Tribe Community and he is senior in the seniority list of Foreman Grade-II. However, based on the complaint received, the second respondent examined the matter and found some irregularity in the recommendation made by the DPC(Departmental Promotion Committee). In view of the same, he issued certain instructions to the Chief Engineer to review and revise the recommendation made by the DPC. The present writ petition is filed under misapprehension and premature.

It is clear that the impugned proceedings dated 04.11.2015 itself is a proceeding issued by the second respondent to review and take decision in respect of certain employees including the petitioner. Admittedly the petitioner is working as Foreman Grade-I as on today. If the service of the petitioner is going to be affected by virtue of the review undertaken by the second respondent or by the third respondent, it is necessary for the respondents 2 and 3 to put the petitioner under notice.

Since no order against the petitioner is passed, the writ petition is disposed of with a direction to issue appropriate notice and hear the petitioner in the event of service of the petitioner being affected in any manner by virtue of the review undertaken by the third respondent pursuant to the direction of the second respondent dated 04.11.2015. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

22.06.2016

Note:

Issue C.C.within two days.
B/o.Rns

A.RAMALINGESWARA RAO,J