

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.17031 of 2016

ORDER:

1. The petitioners joined the respondent company as contract labour in 2000 and they have been working as such till today. They possessed Vocational Wireman Trade Certificate, which is a required qualification for the post of Junior Lineman. Since there was some objection with regard to the eligibility based on the said certificate, they completed ITI (Electrician Trade) in 2010 and 2013 respectively. They have been attending to the job entrusted to them. While so, a notification was issued on 28.05.2016 calling for applications for filling up vacancies of "Operators", but the applications of the petitioners were not received on the ground that they are over aged. In those circumstances, the petitioners filed the present writ petition challenging the action of the respondents in not allowing them to apply for the post of Shift Operators pursuant to the notification dated 28.05.2016.

2. A counter-affidavit is filed by the 2nd respondent stating that the TSNPDCL is maintaining the 33/11KV sub-stations by engaging outsourced personnel through Contract Agencies. The Contract Agencies are employing suitable ITI (Electrical) qualified persons as Shift Operators. In order to improve the transparency in engagement of Shift Operators, certain guidelines were formulated on 04.05.2016 for implementation. The contractors agreed for such guidelines. Accordingly, a notification was issued on 28.05.2016 for engagement of Shift Operators. As per the said notification, the age of the applicants should not be below 18 years and above 34 years as on 31.05.2016. In respect of BC/SC/ST reserved candidates it is 39 years as 5 years relaxation is granted in the upper age limit. The works of installation of new meters, replacement of stuck-up and burnt meters are not continuous nature of works and the works are awarded to the contractors as per requirement. The contractors have not engaged particular persons for the works and the number of persons varies from work to work. The

contractor is not required to enter the names of workers in any rolls. The petitioners herein filed W.P.No.34090 of 2013 and as per the interim direction in the said writ petition, the petitioners were allowed to attend the pole climbing skill test. Though they succeeded in the said test, they were not empanelled in the selection list. The merit list was prepared based on certain points and the petitioners did not come up for selection.

3. It is clear from the above facts that the 1st respondent issued certain guidelines on 04.05.2016 for engaging Shift Operators by the contractors. Though the upper age limit for general candidates was 25 years, as per the new guidelines 34 years was fixed as upper age limit for engaging Shift Operators on 31.05.2016 and BC/SC/ST reserved candidates are entitled for 5 years relaxation. Certain parameters were fixed and the merit list was prepared. As per the said parameters, the petitioners did not qualify in the merit list and hence they were not selected. The plea of the petitioners for age relaxation cannot be considered as uniform procedure is followed in respect of all candidates.

4 . In the circumstances, the Writ Petition is liable to be dismissed and is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

04-07-2016
Gsn