

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.11686 OF 2010

ORDER:

The action of the respondents, in contemplating to dispense with the services of the petitioner and to deprive all of them of being considered for the newly sanctioned posts in Kothagudem Thermal Power Station (KTPS), is questioned in this Writ Petition as being arbitrary and illegal.

In the counter-affidavit filed on behalf of the respondents, it is stated that only regular employees are carrying out perennial jobs; only for works which arise on an emergency basis, and are temporary in nature, contract labourers are engaged to execute the works; the posts sanctioned are all promotion posts for the existing staff; some of the posts will be filled as and when commercial operations of the power plant is commenced; the eligibility of the petitioners is of no consequence, since they are all contract labourers and have no right for direct absorption; the petitioners are being engaged by contractors, and there is no employer - employee relationship between them and the petitioners; and the petitioners request in this regard cannot be accepted.

While Sri G.V. Shivaji, Learned Counsel for the petitioner, would contend that the petitioners are continuing in service, Smt.K. Udayasri, Learned Counsel for the respondents, states that the petitioners are not being continued; and, as they were engaged by the contractors, they cannot claim any right for being absorbed or for appointment by direct recruitment unless they fulfill the conditions stipulated for such appointment. As the petitioners are

said not to be continuing in service for the past six years, and as the counter-affidavit discloses that their services were engaged by the contractors and not by the respondent-Thermal Power Corporation, it is evident that there is no employer - employee relationship between them and the Thermal Power Corporation. As they are not even employees of the corporation, the question of their services being terminated does not arise. The Writ Petition as filed is without merit and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 04.11.2016.

MRKR

