

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.24995 of 2016**

**ORDER:**

It is the case of the petitioners that most of them belong to Backward Class communities and they passed ITI in Electrician Trade. They have been working as Contract Labour from 2002 onwards through different contractors in the fourth respondent company. While so, the erstwhile APNPDCL, APCPDCL issued notifications on 06.06.2006 and revised the same on 21.10.2006 calling for the applications for filling up of Contract Junior Linemen posts. The petitioners claim that they have submitted their applications, participated in pole climbing test and passed the same. Though the petitioners were selected for appointment, they were not issued letters of appointment on the ground that this Court orally directed in W.P.No.21724 of 2011 not to issue orders of appointment, though the said Writ Petition was dismissed later. Challenging Clause 6(iv)(c) of the notification a batch of Writ Petitions were filed and the same were allowed by order dated 02.05.2008. The Writ Appeals against the said order were disposed of by order dated 10.11.2010 recording the undertaking given by the Chairman and Managing Director of the Discoms. Thereafter, several candidates were appointed beyond notified vacancies in 2011. Challenging the same, several Writ Petitions were filed and they were disposed of by the Division Bench in W.P.No.21099 of 2011 and batch by order dated 14.03.2012 and the decision is reported in **S.Kesava Rao v. Chairman and Managing Director, APSPDCL, Tirupati**<sup>[1]</sup>. It is the further case of the petitioners that the said Division Bench judgment was accepted by respondent Nos.3 and 4, who issued Memos dated 03.08.2012 and 04.05.2012 for reviewing the appointments of Contract Junior Linemen. After reviewing the appointments, show cause notices were issued for terminating their services and converting them as contract labour. The persons, who received show cause notices, challenged the judgment of

this Court in W.P.No.8794 of 2007 and batch dated 14.03.2012 before the Supreme Court and SLP (Civil) Nos.15001 to 15110 of 2013 are pending. The order of the Division Bench is stayed by the Supreme Court. By virtue of the order of the Supreme Court dated 16.04.2013 the Contract Junior Linemen, who were appointed beyond the notified vacancies, are continuing. The petitioners state that the SLPs are coming up for further orders on 29.08.2016. When the fifth respondent served notice on 19.05.2016 to go on general strike from 15.06.2016 for settlement of certain demands, a meeting was arranged wherein a settlement was arrived on 14.06.2016 pursuant to which the Government issued a letter dated 23.07.2016 as follows:

“I am to invite attention to the references cited.

2. In the references cited the C&MD, TS TRANSCO has submitted proposals for regularization of services of 1175 CJLMs (855 in TS NPDCL & 320 in TS SPDCL).

3. In the reference 5<sup>th</sup> cited the C&MD TS TRANSCO, while enclosing the record of the Minutes of the Joint Meeting held on 14.06.2016 with the representatives of the Unions and the Managements of Power Utilities before the Hon'ble Minister for Energy, informed that in the said meeting consensus arrived that “the Management has agreed to regularize the services of 1175 CJLMs working in TS DISCOMs immediately”.

4. Keeping in view of the above, Government after careful examination of the matter hereby accord permission for regularization of 1175 CJLMs posts (855 in TS NPDCL & 320 in TS SPDCL) in DISCOMs.

5. The above regularization has to be made duly following the directions of the Hon'ble High Court and Supreme Court issued in the matter and also subject to the out come of the cases pending on the matter and also following the relevant rules and regularizations applicable in vogue in the concerned DISCOM.

6. The financial liability arising out the above regularization shall be borne by concerned DISCOM from their own resources.

7. The Chairman & Managing Director, TS TRANSCO shall take further action accordingly.”

The said order is challenged by the petitioners in the present Writ Petition on the ground that no regularization of the Contract Junior Linemen can take place as appointments to the Contract Junior Linemen were already issued beyond the notified vacancies. Learned Counsel for the petitioners submits that in view of the pendency of the matters before this Court and the Supreme Court, the Government cannot regularize the services of the Contract Junior Linemen without a decision from this Court and the Supreme Court.

A perusal of the above letter of the Government makes it clear that the Government directed the official respondents to regularize the services duly following the directions of this Court and the Supreme Court and subject to the outcome of the cases pending on the matter. In view of the same, this Court sees no ground to set aside the letter dated 23.07.2016.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

27.07.2016

**Note:** Issue C.C in two days.

B/o.

vs

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[\[1\]](#) 2012 (5) ALT 744 (DB)