

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.5601 OF 2016

ORDER:

Andhra Pradesh State Vidyuth Scheduled Tribe Employees Welfare Association (Registration No.45/2015), Vijayawada, Krishna District represented by its President filed the instant writ petition challenging Memo No. Addl. Secy/Dist (LIR & R) PO(IRI) JPO/164/15 dated 05.02.2016.

I have heard Mr.P.Ravi Shanker for petitioner, Mr.N.Siva Reddy for respondents 2 to 4 and Mr. D.Krishna Murthy for respondent No.5.

The memo impugned in the writ petition reads as follows:

"Transmission Corporation of Andhra Pradesh Limited, Vidyuth Soudha, Hyderabad 82.

Memo Addl. Secy/Dist (LIR & R) PO (IRI) JPO/164/15

Dt.5.2.2016

Sub: A.P. Transco- IR A.P. State Vidhyudh Scheduled Tribe Employees Welfare Association (Regd.45/15) Cancellation of Recognition for the change of the title orders-reg:

Ref: Letter 14.5.2015 received from State president A.P.State Vidhyudh Scheduled Tribe Employees Welfare Association (Regd.45/2015)

2. Memo No. Addl Secy/DS (LIRSAS (LIRs) PO (IR) JPO 164/2015 dt.23.5.2015

3. Lr.No.Admn. Addl. Sec. by DS (LIRS/R) AS (LIRSL) 164/2015 dt. 23.5.2015.

4. Lr.No.Addl. Secy-DS (LIR&R) AS (LRS) JPO 164/2015 dt. 5.1.2016.

A meeting was conducted on 12.1.2016 with secretary General State Schedule Tribe Employees Welfare Association (Regd.956/78) and A.P. State Vidyudh Scheduled Tribe Employees Welfare Association (Regd.45/2016) regarding to the change of title of the Associations.

After examining the views placed by both the associations A.P.Transco decided to recall and revoke the recognition accorded to A.P. State Vidyudh Scheduled Tribe Employees Welfare Association Regd.45/2015) since the recognition was given based on their representation that the Association is formed by change of name though it is newly formed association aside to the pre-existing association i.e. State Schedule Tribe Welfare Association (Regd.956/78).

Accordingly, the full protections given if any, by the A.O, Power utilities shall also get cancelled.

Sd/-K.Vijayanand IAS
Chairman and MD"

The complaint of petitioner is that the recognition of writ petitioner association was in accordance with the relevant facts and circumstances, and if at all the 2nd respondent wanted to re-examine the grant of issue of recognition of an association of Scheduled Tribe Employees, the recognition ought to have been done by examining the membership claimed by petitioner association but not on objections from rival association.

The State Scheduled Tribe Employees Welfare Association (Registration No.956/7)/respondent No.5 asserts that with the formation of State of Andhra Pradesh, the Scheduled Tribe Employees Welfare Association (Registration No.956/78) continues to exist and the area of operation of this association is now confined to the State of Andhra Pradesh. Respondent No.5 further asserts that it has the requisite support of Scheduled Tribe Employees and if at all recognition is to take place, the 2nd respondent ought to have recognized only the 5th respondent association at any rate not the writ petitioner.

Mr.N.Siva Reddy submits that on the representation given by the writ petitioner, the writ petitioner association has been recognized by 2nd respondent corporation. As objections are received, recognition granted to writ petitioner is recalled and the 2nd respondent as is required in cases like this will examine the claims of writ petitioner vis-à-vis respondent No.5, association satisfying the guidelines will be recognized. He further submits that the said exercise will be undertaken and completed in accordance with the existing procedure within six weeks from the date of receipt of a copy of this order. The statement of learned standing counsel is placed on record. The writ petitioner association and respondent No.5 association are directed to file appropriate application/request within one week from today for the relief of recognition of Scheduled Tribe Employees of State of Andhra Pradesh.

Since there is stalemate in recognition of association, the 2nd respondent is directed to complete the exercise within the time stipulated by this Court and thereafter invite recognized association only for applicable purposes.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S. V. BHATT, J

Date:10.11.2016
Sp