

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND

THE HON'BLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT APPEAL No.294 OF 2006

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This Writ Appeal is directed against the order rendered by the learned single judge, in W.P.No.27344 of 2005. The Writ petitioner is the appellant before us.

2. Heard Sri K.Nageshwar Reddy, the learned counsel for the appellant.

3. The case of the writ petitioner/appellant is that the contract labour, engaged by the human resource suppliers of the respondent Power Distribution Companies, have been accorded certain benefits by a policy formulation contained in BPMS No.36, dt.18.05.1997, as and when regular recruitment is undertaken. The case of the petitioner/appellant is that she was engaged as a contract labour by the human resource supplier namely M/s Manjeera Electrical and Mechanical Engineering Contractor between 15.04.1997 and 31.10.1998. On the basis of the certificate issued by the said human resource supplier, dated 01.06.2001, the claim is made before the respondents, however, the said claim has been turned down. Hence the Writ Petition was instituted.

4. The primary criteria for according the benefit of the scheme enunciated in BPMS No.36, dt. 18.05.1997 is that the contract labour should have been engaged against any of the prohibited categories of works and if they are so engaged, such personnel are entitled to seek regularization. The pre-requisite conditions are the contract should have been in existence between the Electricity Board and human resource supply contractor and as such contract should be

for supplying manpower to engage against the prohibited categories.

The actual person who was claiming such benefit must render services against that and the contract was validly existing as on 18.05.1997 and the facts, relating to the actual work performed by the contract labour, must be vouched by the Engineer in-charge of the work or Section. The certificate issued by the human resource supply contractor dt.01.06.2001 furnished by the writ petitioner has not met with the aforementioned requirements. Consequently, the benefits that flow to the extent of filling up of 50% of existing vacancies in initial recruitment cadre by ex-casual labour in terms and in accordance with the BPMS No.36, dated 18.05.1997 would not arise.

5. Sri K.Nageshwara Reddy, made a vain attempt to demonstrate before us that the petitioner/appellant has satisfied the scheme but however, at least on one count namely that the petitioner/appellant was not engaged against the prohibited categories of employment, the learned single judge has rightly come to the conclusion that the petitioner cannot seek the said benefits.

We do not find any infirmities in the order passed by the learned single judge in W.P.No.27344 of 2005 dated 23.12.2005 and hence we do not find any merits in this Writ Appeal.

6. In the result, the Writ Appeal is dismissed but however without costs. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

Dr. JUSTICE B.SIVA SANKARA RAO

Date: 15.03.2016

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