

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.7955 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the Respondents as illegal, arbitrary for not considering the petitioners for the post of community organisers (outsource) and consequently direct the respondents to continue the petitioners as Cluster level resource person which is equivalent to community organiser.”

Heard, Sri J.P. Srikanth, learned counsel for the petitioners, learned Government Pleaders for Municipal Administration and Revenue for respondent Nos.1, 3, 4 and 5 and Smt.Pingali Laxmi, learned counsel for respondent No.2.

According to the petitioners, they were appointed in the year 2012 as Cluster Level Resource Persons under the supervision of the respondents and they have been discharging their duties in effective manner and in recognition of the same they have been awarded with the appreciation letters also. The 6th respondent society, which is an outsourcing agency, issued a paper notification on 30-01-2016, in pursuance of the orders of the District Collector, Warangal, inviting the applications for as many as four categories of posts including Community Organizer (CO) U.L.B., Warangal also.

In the present writ petition, the case of the petitioners is that

a nature of duties of the Cluster Level Resource Persons as well as Community Organizer (CO) U.L.B. are the same. It is further submitted by learned counsel for the petitioners herein that initially the petitioners were appointed in the year 2012 for a period of one year, having regard to the services rendered by the petitioners, the respondents are allowing them to continue them till date. It is further submitted that having continued the petitioners for the last three (3) years, there is absolutely no justification on the part of the respondent authorities in seeking to displace the petitioners with new set of people in the name of the present notification.

On the contrary, it is submitted by learned Government Pleaders for respondents 1, 3, 4 and 5 and Smt. Pingali Laxmi, learned Standing Counsel for the 2nd respondent corporation that the petitioners herein have no statutory right for continuation. It is also brought to the notice of this Court that in response to the notification, dated 30-01-2016 issued by the 6th respondent outsourcing agency, the petitioners herein have submitted their applications also.

In the present writ petition, the petitioners herein except stating that they have been continuing for the last three (3) years and discharging their duties have not brought to the notice of this Court any statutory right, which imposes obligation on the respondents to continue them.

Having responded to the notification issued by the 6th respondent agency and in absence of any statutory right the

petitioners herein are not entitled for any positive relief from this Court for their continuation. But, according to the petitioners, the duties of the Community Organizer (CO) and the Cluster Level Resource Persons are identical and if the petitioners are preferred to the others the respondents will have effective assistance in discharge of the duties entrusted under the schemes.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing the respondents herein to consider the candidatures of the petitioners also who have applied in response to the notification, dated 30-01-2016, in accordance with law. It is also made clear that the past services of the petitioners herein may also be taken into consideration while appointing the candidates pursuant to the notification.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

March 15, 2016

Note: Furnish C.C. by
tomorrow. B/o.Pn

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