

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION Nos.4593 & 4623 of 2016

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DATED : 12.02.2016

Between:

S.A.Jaya Ramaiah S/o.Ramaiah,
Aged about 50 yrs, Occu : Additional Assistant Engineer,
R/o.Kothapeta, Rayachoty, Kadapa District, A.P.

.. Petitioner

AND

Andhra Pradesh Southern Power Distribution
Company Limited (APSPDCL),
Rep., by its Chief General Manager,
Tirupati, Chittoor District & 2 others.

.. Respondents

W.P.No.4623 of 2016

Between:

S. Rajendra Prasad S/o.Sriramulu,
Aged about 54 yrs, Occu : Additional Assistant Engineer,
R/o.51/351-1, Kothapeta, Rayachoty, Kadapa District, A.P.

.. Petitioner

AND

Andhra Pradesh Southern Power Distribution
Company Limited (APSPDCL),
Rep., by its Chief General Manager,
Tirupati, Chittoor District & 2 others.

.. Respondents

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The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.4593 & 4623 of 2016

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COMMON ORDER:

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In these writ petitions the petitioners are challenging the memo dated 05.02.2016. The said memo is a show cause notice calling upon the petitioners to show cause as to why the proceedings dated 25.04.2003 should not be withdrawn/annulled.

2. There is a long history for these cases. The petitioners originally belonged to Rayachoty Rural Electricity Supply Co-operative Society (RESCO) Limited. It appears that petitioners were promoted on 28.06.2002 from the post of Load surveyor to that of Additional Assistant Engineer (A.A.E). On 25.04.2003 the Managing Director, RESCO issued proceedings holding that petitioners are deemed to have been appointed with effect from 22.04.1998 in the time scale and monetary benefits would accrue with effect from 01.01.2000. These proceedings were earlier sought to be withdrawn, which was the subject matter of W.P.No.10926 of 2003. Thereon W.A.No.2141 of 2004 was filed. In the meantime, the RESCO stood merged into Southern Power Distribution Company Limited. The Southern Power Distribution Company Limited filed Review in W.A.M.P.No.3728 of 2014 and it appears that in the said Review the Division Bench granted liberty to the Southern Power Distribution Company Limited to review the order dated 25.04.2003 by issuing necessary notices to the affected persons. In terms thereof, these notices are issued calling upon the petitioners to submit their explanation.

3. On a reading of the show cause notice, it appears that the

respondent-Company is trying to justify its action not to extend the benefits from 22.4.1998. Since it is only a show cause notice it is always open to the petitioners to raise all the contentions as available in law including the issue of delay in initiating such proceedings as the order granting benefits to the petitioners relates back to 25.04.2003 and that the petitioners earlier succeeded before this Court. However, in the facts of these cases it cannot be said that the show cause notice is without jurisdiction or competence. Thus, this Court is not inclined to entertain these writ petitions and grant the relief as sought for.

4. Granting liberty to the petitioners to submit their explanations by raising all the pleas as available to them in law, these writ petitions are disposed of. It is needless to observe that the respondent-Company shall deal with all the objections raised by the petitioners objectively and pass a reasoned order and communicate the same to the petitioners. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date :12th February, 2016

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