

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9945 of 2016

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Between:

D. Prabhakar Rao

PETITIONERS

AND

1. The State of Telangana, rep. by its Deputy Secretary, Roads and Buildings Department, Telangana Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Roads and Buildings for the 1st respondent and Sri A. Ravi Babu, learned Standing Counsel appearing for respondent Nos.2 & 3.

The petitioner claims to be the president of Security Staff Welfare Association, Telangana State Road Transport Corporation, Karimnagar District. This writ petition is filed ostensibly seeking a direction to the 3rd respondent to take action on the letter written by the 1st respondent on 19.11.2015.

In the letter dated 19.11.2015 while enclosing the copies of reference Nos.1 to 6 cited in the letter, the Principal Secretary requested the 3rd respondent to take necessary action and furnish a report in the matter to the Government immediately. A similar letter was also addressed on 26.10.2015. There are no details in either of the letters as to what exactly is the subject matter of the letters, and what action, that is required to be taken. However in the 6th reference cited, certain grievances and suggestions have been given by the petitioner as a Chairman of the Avatar Meher Baba Charitable Trust, Karimnagar District.

Learned counsel for the petitioner submits that the 3rd respondent is grossly understaffed and there are several vacancies in the 3rd respondent-Corporation.

It is the case of the petitioner that there is serious understaffing in the 3rd respondent-Corporation, particularly, in the higher cadre of IAS and IPS apart from 500 posts being vacant and 130 posts vacant in Vigilance Security, Karimnagar Zone. It is the need of the Corporation to make appointments. The petitioner made a

representation to the respondents on 7.02.2015 bringing the said fact to the knowledge of various authorities. As no action has been taken, the petitioner filed the present writ petition.

Having considered the submissions of both the learned counsel, I am of the view that the writ petition does not deserve consideration. So far as the petitioner is concerned he is a third party and there is no cause of action in his favour to file this writ petition. The adequacy or inadequacy of the staff is the issue, which the 3rd respondent is required to consider taking into consideration of the finances and contingencies, which arise from time to time. At any rate, the 3rd respondent is governed by a Board of Directors and also headed by Senior Officials, who have been deputed by the Government. Merely because the petitioner has addressed a letter to the Principal Secretary and the concerned Secretaries have forwarded the same to the 3rd respondent, there is no duty or obligation cast on the 3rd respondent to respond and deal with the same, particularly, there being no personal grievance for the petitioner, which is required to be redressed.

It is well settled that before a mandamus is sought, the person seeking mandamus is required to establish a right and the respondents are duty bound to consider the request to enforce such right. In the present case, the petitioner is 66 years old and it is not even the case of the petitioner that he is seeking employment. The cause, which the petitioner tries to espouse, is a cause of every citizen who is eligible to be appointed. There being no cause of action and no right for issuance of Mandamus, the writ petition is misconceived and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

29th March, 2016
Js.