

HON'BLE SRI JUSTICE R.KANTHA RAO

Contempt Case No.211 of 2015

and

W.V.M.P.No.232 of 2015

in

W.P.No.31857 of 2014

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Judgment:

Heard Sri Chandraiah Sunkara, learned counsel appearing for the petitioners and Sri G.Vidyasagar, learned Senior Counsel, representing Smt. K.Udaya Sri, learned counsel for the respondents 1 to 4.

2. The petitioners filed the writ petition seeking a direction to consider their cases for appointment as Junior Plant Attendants (JPAs) or as Casual Labour in the 3rd respondent Unit against the existing O&M vacant posts in Kakatiya Thermal Power Project (KTPP) Stages-I and II, under land losers quota, on par with the other land losers of Palvanha against 50% posts as per G.O.Ms.No.98, dated 15-4-1986, by following the common order dated 23-8-2011 in W.P.Nos.3223, 13468 and 13799 of 2011. They filed W.P.M.P.No.39820 of 2014 seeking an interim direction to consider their cases either for appointing them as Junior Plant Attendants or for engaging them as Casual Labour in the 3rd respondent Unit, against the existing vacant O&M posts in KTPP Stages-I and II, under 50% of the land losers quota, on par with the land losers of Palvanha, by extending the spirit of G.O.Ms.No.98, dated 15-4-1986, by following the said common order. This Court passed the following interim order

on 10-12-2014:

“There shall be interim direction to the respondents to engage the petitioners as casual labourers in R.3 unit against the existing vacancies within a period of six weeks from the date of receipt of a copy of this order.”

Thereafter, the present contempt case is filed to pass an order punishing the respondents for the willful disobedience of the aforementioned order passed by this Court.

3. The respondents filed counter affidavit contending, *inter alia*, as follows:

(a) The petitioners did not refer to any vested right conferred on them to consider them as casual labour under any regulation. This Court in W.P.No.3223 of 2011 specifically recorded that the land losers are to be accommodated only to the extent of 50% of the quota of the existing vacancies which is in terms of G.O.Ms.No.98, dated 15-4-1986. Further, the case of the petitioners who are land losers was considered in terms of the interim order passed in W.P.M.P.No.24847 of 2013 in W.P.No.20251 of 2013, dated 21-9-2013 and issued with speaking orders as they did not come within the 50% of the vacancies. The prayer in W.P.No.20251 of 2013 and the present writ petition is similar as they are seeking benefit under G.O.Ms.No.98, dated 15-4-1986.

(b) It is further contended that there is no post of casual labour in the regulations. The question of engaging the petitioners as casual labour consequent to earlier casual labour being appointed as JPA is equally misconceived as the petitioners have no vested right to be considered. It is for the

respondents to take a decision with regard to the recruitment personnel keeping in view of the exigency of the work.

Thus, according to the respondents, basing on their seniority their cases were considered as per G.O.Ms.No.98, dated 15-4-1986, against the 50% quota and they could not be appointed as the 50% vacancies were filled up with the candidates above the petitioners. Therefore, the respondents sought to dismiss the contempt case and they prayed in their vacate petition to vacate the interim order which was already granted.

4. The learned counsel appearing for the petitioners relied on **BANWASI SEVA ASHRAM v. STATE OF U.P.** ^[1] in support of his contention that the petitioners who are land losers have to be given priority over the general candidates. This decision is not applicable to the facts of the present case since already as per G.O.Ms.No.98, dated 15-4-1986 and also as per the interim order passed in W.P.M.P. No.24847 of 2013 in W.P.No.20251 of 2013, dated 21-9-2013, 50% of the vacancies have already been filled up.

5. However, while dealing with the contempt case and the vacate petition, I am not inclined to go into the question as to whether the case of the petitioners can be considered for appointing them as casual labour. It is the main contention of the respondents that the prayer in W.P.No.20251 of 2013 and the present writ petition is one and the same and the petitioners have not challenged the interim order passed earlier in the abovementioned W.P.M.P.No.24847 of 2013 in W.P.No.20251

of 2013, dated 21-9-2013. Since the respondents passed speaking order specifically stating that the petitioners have no vested right to be appointed as casual labour and that they suppressed the fact of the interim order passed earlier, I do not think that there is any willful disobedience of the order passed by this Court on the part of the respondents.

6. Accordingly, the interim order dated 10-12-2014 in W.P.M.P.No.39820 of 2014 in W.P.No.31857 of 2014 granted by this Court, therefore, is vacated. The petitioners, however, can agitate the issue as to whether they can be considered for the post of casual labour on priority basis in the main writ petition. The contempt case is, therefore, closed, arriving at the opinion that there is no willful disobedience of the order passed by this Court on the part of the respondents. Post the writ petition before the appropriate Bench.

R.KANTHA RAO, J.

04th January, 2016.
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[\[1\]](#) (1992) 2 SCC 202