

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 11942 of 2016

Order:

The petitioners are A-Grade Electrical Licensed Contractors. Tenders were invited from the concerned Superintending Engineers for maintenance of specified 33/11 KV sub-stations on work contract basis in Nalgonda District, Sub-Division Wise, in Nalgonda Circle for the period from December 2014-15 to March 2017. The petitioners are the successful tenderers and agreements were concluded on 07.02.2015. As per the said agreement, it is the responsibility of the petitioners for selecting the employees as per the guidelines issued by the authorities and the employees will be given proper identity cards with passport size photograph affixed on it. When the petitioners noticed vacancies in the sub-stations and when the Superintending Engineer, Operation Circle, Nalgonda, issued a paper notification on 13.01.2015 for filling up of certain vacancies, the present Writ Petition was filed alleging that pursuant to the said notification the selection process was not initiated by the authorities.

2. A counter affidavit is filed stating that the Distribution Company is working under the control of Telangana State Government and the maximum budget allocated is spent on power purchase only to save the agriculture sector where most of the farmers are suffering for want of power. There are sufficient regular employees of the Company to man the sub-stations. It was decided to postpone the process of selection of contract labour as an economy measure and accordingly instructions were issued to the petitioners to delay the process.

Wherever there are vacancies, regular staff have been allocated to avoid inconvenience to the existing operators. The said fact was already informed to the petitioners several times orally and in spite of the same, the petitioners approached this Court.

3. It is clear from the above facts that the Superintending Engineer,

Operation Circle, Nalgonda, issued a paper statement for initiating the process of selection of some contract labour by the Contractors, but the said process was asked to be delayed in view of economic position of the Company. The Company states that the services of the regular staff are being utilized wherever there are vacancies and there is no problem with regard to manning of sub-stations. Since the sub-stations are functioning properly, it is not for the petitioners to force the respondents to undertake the selection process and it is the policy decision for the respondents to initiate the selection process depending on the exigencies of service.

4. In the circumstances, this Writ Petition is dismissed. However, if the petitioners feel any inconvenience by virtue of agreement with regard to manning of sub-stations by not deploying the regular staff as averred in the counter affidavit, it is open to them to bring it to the notice of the authorities for taking appropriate action in respect of the specified sub-stations. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 08.08.2016
Nsr

RAMALINGESWARA RAO, J