

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.1285 of 2016

–
Date: 19.01.2016

Between:

M/s.Telangana Veterinary Asst. Surgeons' Service Association,
regd. Office at VET's Home,
Hyderabad, rep. by its President
Dr.P.Pentaiah

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Administration & Urban Development.,
Hyderabad and 2 others

.. Respondents

Counsel for the petitioner : Mrs.B.Rachna

**Counsel for respondent No.1: GP for Municipal
Administration (TS)**

–
–
–

The Court made the following:

–
–
–

Order:

The petitioner, which is an Association of Veterinary Assistant Surgeons, filed this Writ Petition feeling aggrieved by non-consideration of its representations for exemption from polling or election duty under the Essential Services Maintenance Act (1971) (AP Act, 21/71) 'ESMA' and also as per Clause 3.3.1 (a) (ii) of Hand Book for Returning Officers, 2014, Clause 5 (ii) of the Model Check List for Chief Election Officer, 2009 and Item No.21 of the Compendium of Instructions on Conduct of Elections, 2006, issued by the Election Commission of India.

The petitioner- Association claims that under various provisions referred to above, its members are entitled to be exempted from election duty in connection with the forthcoming elections of the Greater Hyderabad Municipal Corporation (GHMC). It has further pleaded that it has made a representation on 29-12-2015 followed by another representation, dated 06.01.2016, to respondent No.2, who is the election authority, for exemption of its members from the election duty in terms of the

above mentioned provisions.

The grievance of the petitioner is that respondent No.2 has not been considering its representations and taking a decision thereon.

At the hearing, Mr.P.Kesava Rao, learned Standing Counsel for GHMC, submitted that respondent No.3 will consider the petitioner's representations, take appropriate decision thereon and communicate the same to the latter within a reasonable period.

Inasmuch as the petitioner's representations are pending before respondent No.3, it is not appropriate for this Court to express any opinion on the entitlement or otherwise of its members for exemption from the election duty and instead, it would be proper, if respondent No.3 is directed to take a decision on those representations and communicate the same to the petitioner.

Accordingly, without expressing any opinion on the petitioner's entitlement for exemption from election duty, the Writ Petition is disposed of with the direction to respondent No.3 to take a decision

on the representations stated to have been made by the petitioner and communicate the same to it within one week from the date of receipt of this order.

As a sequel to disposal of the Writ Petition, WPMP.No.1630 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 19th January, 2016
lur