

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.23123 of 2007

ORDER:

This writ petition filed under Article 226 of the Constitution of India challenges the Memo bearing No.SE/OP/MBNR/PO/Adm-C2/D.No.1507/07, dated 25.10.2007, issued by the Superintending Engineer, Operation, Central Power Distribution Company of A.P., Limited, Mahabubnagar, 4th respondent herein.

Heard the learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing counsel for the respondents apart from perusing the material available before the Court.

Pursuant to a selection process undertaken by the respondents for filling up the posts of Junior Linemen, petitioner was appointed in the said category by way of an order issued by the 3rd respondent vide Memo, dated 18.07.2007. The petitioner submitted his joining report on the even date. According to the petitioner, he belongs to BC-D category. The 4th respondent by way of an order vide Memo, dated 25.10.2007, terminated the petitioner's services in order to accommodate one Sri B. Govindu. This writ petition challenges the validity and legal sustainability of the said order, dated 25.10.2007.

It is contended by the learned counsel for the petitioner that since the respondents appointed the petitioner pursuant to the regular process of selection, there is no justification on

the part of the respondent authorities in dispensing with the services of the petitioner in an unceremonious manner even without issuing show cause notice. It is further contended that the petitioner has been continuing in the service as on date and the respondents regularized his services and he also got promotion as Junior Assistant. It is further contended that the respondents also regularized the services of Sri Govindu in the year 2010.

Per contra, it is vehemently contended by the learned Standing counsel that there is no illegality nor any infirmity in the impugned action, as the same is a consequence of the orders of this Court in W.P.No.11249 of 2007.

The information available before this Court manifestly discloses that in response to the notification issued by the respondent organization, the petitioner applied for the post of Junior Lineman. There is absolutely no dispute with regard to the fact that the petitioner got selected only after undergoing regular process of selection. There is also no denial of the contention advanced by the learned counsel for the petitioner that without issuing any show cause notice, the respondent organization terminated the petitioner from service. In the considered opinion of this Court, the said action on the part of the respondents is a patent violation of principles of natural justice. The record further discloses that this Court as long back as on 01.11.2007, while ordering Rule Nisi, granted interim suspension of the impugned order in

WPMP.No.30130 of 2007 and subsequently, the same was made absolute on 17.01.2008. It is significant to note that subsequently vide Memo, dated 19.02.2010, the Divisional Engineer Electrical, Operation, Jadcherla, regularized the services of the petitioner and by way of the said order, the respondents appointed the petitioner in the time scale by dispensing with the contract system. By virtue of the said Memo, dated 19.02.2010, the respondent authorities regularized the services of as many as 80 Junior Linemen, who were appointed on contract basis during the year 2007. It is further evident from the said Memo that the services of the petitioner as well as Sri B. Govindu, who filed W.P.No.11249 of 2007, were also regularized. It is also pertinent to note that by way of Memo, dated 16.09.2011, issued by the 4th respondent, the petitioner along with others were appointed as Junior Assistants by transfer in the time scale. There is absolutely no controversy on the reality that as on date the petitioner is continuing in service so also Sri B.Govindu, who filed W.P.No.11249 of 2007, before this Court earlier.

Taking in to consideration all the above factual aspects and having regard to the nature of controversy involved in the writ petition, this Court, at this length of time, is not inclined to permit the respondents to disturb the appointment of the petitioner. As observed supra, the impugned order is liable to

be set aside on the ground of violation of principles of natural justice.

For the aforesaid reasons, the writ petition is allowed setting aside the Memo, dated 25.10.2007, passed by the 4th respondent.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 05.06.2017
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