

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.4723 OF 2003

ORDER:

The petitioner prays for Mandamus declaring the inaction of respondents in appointing the petitioner as Driver pursuant to selection held on 20.02.2000, as illegal, arbitrary and further declare proceedings No.P2/255(2)/RM(N) dated 17.05.2002 insofar as the same does not include the name of petitioner, as illegal and discriminatory.

Briefly stated, the case of petitioner is that he attended the interview held by respondent-Corporation on 03.02.2000 for the post of casual Driver. Through communication dated 20.02.2000, the petitioner was called upon to attend the office for verification of testimonials. On 17.08.2000, the petitioner was called upon to report to the Principal, Zonal Staff Training College, Hakimpet on 04.09.2000 for undergoing training as Driver. According to petitioner, the petitioner has undergone the training at Zonal Staff Training College, Hakimpet. Now, the grievance of petitioner is that respondents have not considered him for appointment as casual Driver. Therefore, the omission to appoint him is illegal, arbitrary and discriminatory.

The Law Officer of respondent-Corporation filed counter-affidavit on behalf of respondent Nos.1 and 2. The dates on which the petitioner is relying upon are not disputed, but the explanation offered by respondents for not considering petitioner for appointment as casual Driver is that the respondent-Corporation called the trained drivers kept in panel to report for duty during

the strike period. Out of 35 candidates called by respondents, 24 of them reported for duty. The petitioner did not report in the office or at any of the depots in Nalgonda region. Therefore, the Corporation is justified in not including the name of petitioner in proceedings dated 17.05.2002. It is further stated that the discrimination complained by petitioner that the case of one Md.Abbas is untenable, for the said candidate reported for duty during the strike period and was appointed as Driver.

From the stand taken in the counter-affidavit, it is clear that a call letter for appointment as casual Driver was extended to petitioner through Vaartha district edition dated 14.10.2001, the petitioner did not avail the opportunity. The respondents keeping in view the candidates who have come forward to ply the buses during strike period treated those candidates as willing to work as casual Drivers and issued the proceedings dated 17.05.2002. After perusing the stand of respondent-Corporation in the counter affidavit, I am satisfied that either for not including the name of petitioner in the proceedings dated 17.05.2002 or the discrimination complained, is unsustainable and, accordingly, rejected.

The writ petition fails and is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

08th February, 2017

Lrkm