

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.10783 of 2011

Dated 14.06.2017

Between:

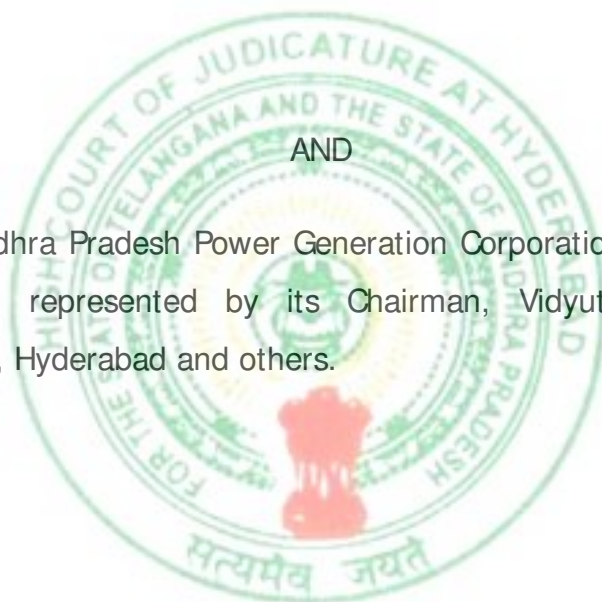
P.Chandrasekhar Raju, S/o. P.Krishnam Raju, Aged about 43 years, working at Colony Development Welfare Committee, Rayalaseema Thermal Power Project, V.V.Reddy Nagar, Kalamalla, Kadapa District and others.

..Petitioners

AND

The Andhra Pradesh Power Generation Corporation Limited, represented by its Chairman, Vidyuth Soudha, Hyderabad and others.

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. According to the petitioners, they were engaged as skilled and semi-skilled workers in the year 1996 and were discharging the duties and responsibilities as permanent employees, but their engagement was on contract basis in prohibited categories. The petitioners further asserted that the petitioners were subjected to interview and based on their performance, they were appointed, but their services were not treated as regular. The continuation of the petitioners against categories of posts, which were prohibited by the Government in G.O.Ms.No.41, Labour, Employment, Training and Factories (GAS-II) Department, dated 23.09.1996, is illegal. The petitioners earlier instituted Writ Petition No.7049 of 1998 aggrieved by their non-consideration for regularisation. The said writ petition was dismissed. Writ Appeal preferred by them was disposed of granting liberty to the petitioners to approach appropriate forum as available in law. Petitioners raised conciliation proceedings. The issue was referred to the Labour Court. The reference was numbered as I.D.No.218 of 2000 on the file of the Industrial Tribunal-cum-Labour Court at Anantapur. Labour Court passed award on 15.06.2005 *inter alia* granting the relief of reinstatement into service as regular employees with continuity of service and

attendant benefits, but without backwages. The Labour Court further declared that as the petitioners were subjected to interview, they need not face the same again and they are entitled for the posts in which they were already placed or similar to that of the same without any lower post. Aggrieved by the said award, the respondent company preferred Writ Petition No.21947 of 2005. During the pendency of the said writ petition, petitioners instituted this writ petition praying to grant direction to the respondents to consider their cases for absorption permanently in regular vacancies with regular pay as per their qualification and eligibility.

3. As stated by the learned counsel for the petitioners, the provocation to institute the subject petition was that without granting them regularisation/treating them as regular employees, recruitment process was initiated to make recruitment from the open market and there was a great threat of petitioners being thrown out of the employment if the regular recruiters joined. During the pendency of this writ petition, Writ Petition No.21947 of 2005 was heard and by an order dated 16.03.2017 learned Single Judge of this Court dismissed the writ petition. On account of the dismissal of the said writ petition, the award passed by the Labour Court is upheld.

4. As noted above, the Labour Court has granted the relief as sought for by the petitioners in the present writ petition. Since the relief as sought for by them has already been granted, which is now

affirmed by the learned Single Judge in Writ Petition No.21947 of 2005, no further directions are required in the present writ petition.

5. The Writ Petition is, accordingly, disposed of.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date:14.06.2017
INL

