

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2268 OF 2014

ORDER:

The writ petition is filed questioning the action of the respondents 2 and 3 in meddling with the process of recruiting and engaging the employees by the agencies i.e., the members of the 1st petitioner association, under their control to attend operation and maintenance works at Sub Stations in Chittoor District.

It is the case of the petitioners that the respondent-authorities are insisting for re-employing with the process of recruitment and engaging the employees of the members of the petitioners' association. Elaborating on the same, the petitioners submit that the 1st petitioner viz., the Chittoor District APSPDCL Contractors Welfare Association got registered under the provisions of the Registration of Societies Act and the said society was formed to undertake welfare measures and for up-liftment of its members in the field of electrical contract works and also for providing self employment opportunities to Private Electrical Workers in the said field. There are about 38 Members in the Association who have been undertaking works at about 138 Sub Stations of 33/11KV in Chittoor District. The nature of the work executed by the respective Contractors are recording of the readings, recording of all trippings of breakers and other events that occur in the order of sequence, all operations to be carried out correctly and accurately duly recording in the log books as instructed by D.E.E. The contractors shall also responsible to attend all emergencies, daily reports, for equipment and other materials kept at the Sub Station area and for watch and ward of the entire Sub Station area etc. However, the licensed contractors in whose favour works are entrusted are responsible for operation and maintenance works as entrusted under contract agreement at Sub Stations during the license period.

In the counter-affidavit filed by the respondents, it is asserted that the respondents are not interfering with the recruitment process. However, considering the nature of duties that are required to be carried out by the persons engaging in the maintenance of the Sub Stations, the necessary precautions are required to be taken by the department to ensure that only the qualified persons are engaged. Only to that extent, the respondents are insisting the members of the petitioners' association to adhere and to take prior approval of the department.

Considering the nature of the allegations made, this Court while admitting the writ petition directed the respondent-authorities to verify the qualifications of the employees appointed by the petitioners' association as per Clause 9 of the agreement. Further, this Court had also observed that the order does not preclude the authorities from supervising the work as per the terms and conditions of the agreement. In the light of the stand taken by the respondents in their counter and considering the nature of the works which are to be executed, one cannot find fault with the department for insisting the petitioners' association to verify all the contractual terms as envisaged from time to time. In that view of the matter, the interim order passed by this Court on 04.02.2014 in W.P.M.P.No.2766 of 2014, is equitable enough.

In those circumstances, the writ petition is disposed of directing the respondent-authorities not to interfere with the recruitment process of the petitioners as long as the persons engaged are qualified as mandated in terms of the agreement and capable of executing the work to the satisfaction of the department.

With the above observations, the writ petition is disposed of. No order as to costs. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:03.01.2017

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