

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9130 of 2001

ORDER:

This Writ petition is filed seeking to issue a writ of Mandamus to quash the impugned order, dated 06.01.2001 passed by the 1st respondent and consequently, to direct the respondents to promote one of the petitioners as Charger Safety Lamp with effect from 01.01.2000.

2. Heard Sri K. Vasudeva Reddy, learned counsel for the petitioners and Sri J. Sreenivasa Rao, learned Standing Counsel for the respondents.

3. The case of the petitioners is that they were initially appointed as General Mazdoors and they have been working in the Lamp Room and they were designated as Lamp Room Mazdoors in Category-II. The next promotional post is that of Charger Safety Lamp for which the feeder category is that of Lamp Room Mazdoor. As per the recruitment Rules, the Lamp Room Mazdoor will have to undergo the test followed by interview and then only they will be considered for the promotion to the post of Charger Safety Lamp. While the petitioners were working as Lamp Room Mazdoors, four vacancies were notified for Charger Safety Lamp post, and selections were conducted and in pursuance to the said selections, the petitioners were successful in the said test. The respondents 1 to 3 have filled up three posts of Charger Safety Lamp from many those who were participated in the test and in respect of the fourth vacancy, the respondents 1 to 3 have filled up the said post with the 4th respondent, who has not even appeared for the selections for the said post, on the ground that the 4th respondent has suffered injuries in extremists attack and on compassionate grounds, he was accommodated

as Charger Safety Lamp. Questioning the same, the present writ petition is filed.

4. Learned counsel for the respondents contends that the 4th respondent was originally working in a higher post and he has suffered injuries in the extremists attack, which made him medically invalid to discharge the post held by him i.e. Technical and Supervisory Grade-D and that necessitated to accommodate him in a lower post of Charger Safety Lamp. Learned counsel further contends that the 4th respondent had obtained voluntary retirement in pursuance to the Voluntary Retirement Scheme announced by the respondents 1 to 3 on 01.04.2007.

5. I have considered the rival submissions made by the parties. Since the post of Charger Safety Lamp, has to be filled up by the candidates, who have qualified in the selection, and since the 4th respondent was not qualified nor he has participated in the selections, the appointment of the 4th respondent as charger Safety Lamp is irregular. But, the 4th respondent was accommodated as a Charger Safety Lamp on compassionate grounds vide orders, dated 01.09.2000. So the services rendered by the 4th respondent as Charger Safety Lamp from 01.09.2000 till 01.04.2007 may be treated to have discharged in a supernumerary post and the regular post of Charger Safety Lamp, which arose in the year 2000, should be given to the 1st petitioner and in respect of other petitioners, their cases may be considered as and when vacancies in the post of Charger Safety Lamp arises, in accordance with the Rules and Regulations. With this, the ends of justice would be met.

6. Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

December 11, 2017
KTL

