

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9185 OF 2017

Dated:21.03.2017

Between:

T. Saraiah, S/o. Boriah, aged
about 50 years, Caste: S.T. Koya,
Occ: Cultivation, Ex.ITC Contract Labour,
R/o. Nakirapeta Village, Burgampahad
Mandal, Bhadradri Kothagudem District .. Petitioner

And

The State of Telangana, Industries
Department, rep., by its Principal Secretary
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

The petitioner claims that he belongs to Scheduled Tribe Koya community and is resident of Burgampahad Mandal. The 2nd respondent – Factory is located in the agency area and since it is located in the agency area, the employment rolls of the Factory is regulated by Integrated Tribal Development Agency (ITDA), Bhadrachalam. It is mandated to recruit local tribes for various posts in the Factory. According to the petitioner, under the scheme known as 'Rajiv Yuva Kiranalu', the Project Director, ITDA, Bhadrachalam, the 3rd respondent, sponsored the names of persons selected by him for employment in the Factory. In the said process, the petitioner and few others' names were also recommended. The petitioner was engaged on contract basis through a Contractor. Not satisfied with the employment conditions, the petitioner left the service. The petitioner contends that on 01.11.2016 vacancy notification was issued calling for willingness of the eligible candidates to fill up the posts of Fitter/Electricians/Inst. Technicians/Turners/ Khalasi/ Utility Worker. The claim of the petitioner is that the 3rd respondent ought to have taken steps to ensure that the Factory recruits the names sponsored by him and/or to regularise the persons already working in the Factory sponsored by him and should not be kept open to consider others. Ventilating his grievance, the petitioner along with four others submitted representation, dated 10.11.2016

before the 3rd respondent. Alleging inaction on the said representation and not providing employment in the Factory, the petitioner filed this Writ Petition.

2. The claim of the petitioner in the representation is to the effect that Factory should not resort to open recruitment and fill up the vacancies available by considering the persons already working on contract basis. The fact relevant to be noted in this Writ Petition is that the petitioner is no more working in the Factory. As informed by the learned Standing Counsel appearing for the 2nd respondent – Factory, pursuant to the recruitment notification, dated 01.11.2016, all posts were already filled up. Thus, in view of the subsequent developments, no direction as sought for can be granted to the petitioner.

3. Moreover, the petitioner is no more working in the 2nd respondent – Factory and therefore the question of considering his case for absorption in the existing vacancy, does not arise. Thus, no relief as sought for by the petitioner can be granted. The Writ Petition is accordingly dismissed.

4. However, it is left open to the petitioner to ventilate his grievance regarding employment opportunities in the 2nd respondent – Factory from among the local Schedule Tribe candidates before the 3rd respondent, if not already done, and on making such representation, the 3rd respondent shall examine the claim and take all necessary measures with reference to provision

of employment to the local Schedule Tribe candidates. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:21.03.2017

KH

P. NAVEEN RAO, J

