

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2458 of 2008

ORDER:

This Writ Petition is filed seeking the following relief:

“to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in proposing for suppression of 470 lower cadre vacant O & M Posts and the action of the 2nd and 3rd respondents in accepting the said proposal unilaterally vide G.O.Ms.No.28 Finance (SMPC) Department, dated 24.1.2008 as arbitrary, illegal and violative of Article 14 and 21 of the Constitution of India, contrary to the tripartite agreements and consequently set aside the position of the para 4 of the G.O.Ms.No.28 Finance(SMPC) Department with regard to suppression of 470 lower cadre vacant posts annexed to that order.”

2. A counter-affidavit is filed stating as follows:

“With reference to the averments contained in para 8 of the petitioner’s affidavit, I respectfully submit that it is a fact that 470 lower cadre vacant posts were proposed for suppression as they are kept unused for long time and thus deemed to be treated as surplus and the continuation of such posts mechanically is not rational more so when the creation of these posts were not based on workload or on scientific work study. It is not correct to say that suppression of posts was done for the first time. It is to submit that in the past many Provincial and O & M posts were suppressed consequent to formation of APGENCO. To cite an example, when 396 higher cadre O & M posts were created on Government sanction, 503 junior plant attendant/mazdoor posts were suppressed. Similarly, Mazdoor posts earlier sanctioned as and when were fallen vacant due to retirement, promotions, deaths etc., automatically such posts were suppressed for the last 4 years as there is no scope to offer work to them and exigencies of work do not demand for filling up such vacant posts. Since these posts were not required as such, posts are suppressed, no service conditions of existing employees

are effected adversely. Due to the above suppression of posts tripartite agreement is not contravened in any manner. There would be no loss or hardship by suppression of posts in respect of workload or service conditions.”

3. In the absence of any interim order and in view of subsequent developments, the cause of action in the Writ Petition does not survive.

4. Accordingly, the Writ Petition is dismissed as infructuous. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 26, 2017
YVL



THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



WRIT PETITION No.2458 of 2008

Date: 26.12.2017

YVL