

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25760 of 2017

ORDER:

The case of the petitioners is that they are retired employees of respondent-Corporation. Since the petitioners are experienced persons, they were engaged as Traffic Guides/Loaders at different bus stations/points initially for a period of one year on monthly remuneration of Rs.15,00/- per month, but the respondent-Corporation assured them to pay minimum wages. But no minimum wages are paid except Rs.50/- per month. The 1st respondent issued a circular No.PD-11/2009, dated 19-03-2009 for appointment of outsourcing Traffic Guides at various traffic generating points in APSRTC and issued Tender Notification dated 05-05-2009 and the petitioners along with others filed WP.No.10188/2009 challenging the action of the respondents inviting tenders by notification published on 05-05-2009 for outsourcing the Traffic Guides in place of the petitioners. Interim orders were granted in WPMP.No.13145 of 2009, dated 28-05-2009 and they were paid with minimum wages as per said orders. However, on change of Regional Manager, their services were disengaged on 01-05-2015 and on that, the petitioners filed contempt case and they were reengaged. It is stated that WP.No.10188 of 2009

and batch of cases were dismissed by this Court by order dated 10-02-2017 and the 3rd respondent disengaged services of the petitioners, while continuing other similarly placed persons at Bhupalpally Depot and Warangal-II, who are petitioners along with petitioners herein WP.No.10188 of 2009. It is also stated that traffic guides at Karimnagar, Warangal-II depot and Hyderabad are still working, one N.K.Reddy is working at Uppal cross-roads. In reply to the petitions under RTI Act of the petitioners, the 2nd respondent informed them that he has already sent letter dated 25-03-2017 for disengagement of 14 persons in various depots shown against their names in compliance of orders passed in the above writ petition. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners submits that while continuing the services of similarly placed persons like petitioners, discontinued the services of the petitioners shows the discretion of the respondents. He also submits that earlier writ petition was dismissed only on the ground that Corporation does not want to engage any Traffic Guides at all either by utilizing services of retired employees or through outsourcing.

On the other hand, learned counsel for the respondents submits that earlier writ petition filed by the petitioners in WP.No.10188 of 2009 was dismissed by this

Court holding that the petitioners have no right to ask for second lease of employment after they retired and now the present writ petition is not maintainable and seeking Mandamus seeking employment. He also submits that policy decision is taken discontinuing the services of the Traffic Guides.

In this case, it is to be seen that the writ petition filed by the petitioner in WP.No.10188 of 2009 was dismissed on 10-02-2017 by holding that the petitioners have no right to ask for second lease of employment and also on the basis that the Corporation has also taken policy decision disengaging the services of Traffic Guides. Learned Standing Counsel says that in pursuance to the dismissal of writ petition, all the persons were disengaged and on instructions submits that no person is working who are disengaged as per orders of impugned proceedings and on duty as on today. Though learned counsel for the petitioners pleaded that the case of the petitioners can be considered, but the respondent-Corporation has taken a policy decision not to engage Traffic Guides, as such the question of considering the case of the petitioners does not arise. As such, when a policy decision is again taken for engaging Traffic Guides, it is always open for the respondents to take services of the petitioners, if they are otherwise eligible.

Accordingly, the writ petition is dismissed subject to above observations. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

02-08-2017

Nvl



