

THE HON'BLE SRI JUSTICE M.S. RAMCHANDRA RAO

WRIT PETITION No.508 of 2012

ORDER:

Heard counsel for the petitioners, Sri R. Vinod Reddy for the 1st respondent and Miss. A. Deepthi for the 2nd respondent.

Petitioners are employed as Sub-Engineers in the erstwhile A.P. Transmission Corporation on the basis of qualification of diploma in Electrical and Electronics Engineering held by them. Later, they acquired Graduate Engineering qualification.

There is a channel for promotion from the post of Sub-Engineer to Additional Assistant Engineer.

Petitioners contend that Sub-Engineers, who acquired degree qualification of B.Tech., or Engineering, would be appointed to the post of Assistant Engineer by transfer; that the respondents have invited applications for filling up the said posts of Assistant Engineer; and the petitioners, who are Sub-Engineers, ought to be given extra weightage marks on account of the service put in by them in the respondent organization. According to them, in the earlier notification, for filling up the said posts, such weightage marks were given, but in the notification issued by the respondents on 20.12.2011, the clause relating to weightage marks for Sub-Engineers has not been provided for and that it is arbitrary.

Counter affidavit has been filed by the 1st respondent stating that the post of Assistant Engineer is to be filled up by direct recruitment/by transfer from Graduate Sub-Engineers with minimum four years service in the category of Sub-Engineer, subject to the condition that such recruitment from among graduate Sub-Engineers would be limited to 10% of the vacancies at the time of such recruitment; they would not be entitled to any service weightage; and they would take the lowest rank as on the date of appointment below the junior most Assistant Engineer/Trainees as on that date. The respondents further contend that though request for giving weightage marks to in-service graduate Sub-Engineers was made, the recruitment intended for the post of Assistant Engineer was on the basis of 100% on the written examination basis only and it was by way of direct recruitment only. They pointed out that the process of recruitment to the post of Assistant Engineer has already reached the fag end stage and at this stage it is not possible to make any changes in the recruitment conditions. It is pointed out that it is a policy decision and such a decision will be taken for future recruitment.

Counsel for the respondents reiterated the same and contends that the petitioners have no right to claim that weightage marks should be given for in-service graduate Sub-Engineers for appointment to the post of Assistant Engineer and that if there is any change in the policy of the

respondents giving such weightage at a future point of time, the case of the petitioners will be considered.

In my considered opinion, when the recruitment to the post of Assistant Engineer did not provide for any service weightage to in-service graduate Sub-Engineers, the petitioners cannot insist that such service weightage be provided as a matter of right. It is the prerogative of the respondents to fix the qualifications for recruitment to the post of Assistant Engineer and they cannot be compelled to provide service weightage to graduate Sub-Engineers, who are already in service of the respondents. In case, there is any change in the policy of the respondents in future providing for such service weightage to in-service graduate Sub-Engineers, for being considered for the post of Assistant Engineer, then the respondents shall consider the case of the petitioners also in terms of the said change in policy.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

M.S. RAMCHANDRA RAO, J

Date: 05.07.2017
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