

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.17751 OF 2012

ORDER:

This Writ Petition is filed challenging the proceedings, dated 20.12.2004, re-categorizing the services of the petitioner along with others, who were working as Attenders, as Shramiks under APSRTC Employees' (Service) Regulations, 1964 (for short, 'the Regulations'), on the same pay and time scale as that of Attender and reckoning their seniority in the post of Attender in the respective Divisions/Regions.

2. Learned counsel for the petitioner submits that the qualification and the nature of duties for the posts of Attender and Shramik are different and the post of Shramik is a skilled post. He further submits that the petitioner is appointed as Attender and now she cannot be asked to work as Shramik. Learned counsel, in support of his contentions, relied on the judgment of this Court rendered in W.P.Nos.15508 and 15650 of 1998, wherein this Court observed that the petitioners therein, who were Attenders, be not re-classified as Cleaners so long as the necessity to employ the Attenders in the administration of the APSRTC persists.

3. Learned Standing Counsel for the respondents submits that the authorities are empowered under Regulation 5 of the Regulations to issue the impugned proceedings. Basing on the averments in the

counter affidavit, it is stated that the Corporation has taken a decision to re-categorize the employees from non-productive to productive category without any loss of monetary benefits and promotion channel and the post of Attender falls under non-productive category. It is also stated that the duties were allotted to the petitioner as per the standards of the post of Attender, who was re-categorized as Shramik. It is also stated that the Shramiks, who were re-categorized from the category of Attenders, will not be allotted to any skilled works.

4. In this case, it is to be seen that it is not the case of the petitioner that her pay was reduced. According to the petitioner, her seniority and pay-scale were protected. In the counter affidavit, it is specifically stated that Shramiks, who were re-categorized from the category of Attender, will not be allotted to any skilled works. No reply affidavit is filed disputing the same and nothing is brought to the notice of this Court as to what was the actual loss suffered by the petitioner. Further, it is stated that by virtue of the interim order, dated 29.10.2012, petitioner is continuing as Attender and is going to retire in August, 2017. Learned counsel for the petitioner submitted that the qualification for the post of Shramik and Attender is different. But, the petitioner cannot have any grievance regarding the same. Hence, I do not see any illegality in the impugned proceedings.

5. Accordingly, the Writ Petition is dismissed. But, however, it is open for the respondents to consider the case of the petitioner for

continuing her services, if needed, as Attender, since she is going to retire in August, 2017.

Miscellaneous Petitions, in any, pending in this Writ Petition, shall stand closed. No costs.

A. RAJASHEKER REDDY, J

04-01-2017
MD

