

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7509 of 2000

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioners, seeking a writ of mandamus to declare the proceedings dated 21.12.1999 issued by the 3rd respondent, as illegal and arbitrary. A consequential direction is also sought to the respondents to appoint/absorb the petitioners as Junior Linemen.

2. Heard Sri S. Ashok Anand Kumar, learned counsel for the petitioners, and Sri Zakir Ali Danish, learned standing counsel for TSNPDCL, appearing for the official respondents.

3. The case of the petitioners, in brief, is that initially they were appointed as Village Electricity Workers in the year 1987 in the then APSEB. While so, the official respondents issued B.P.Ms.No.36 dated 18.05.1997 taking a policy decision to absorb the Village Electricity Workers as Junior Linemen. As the case of the petitioners was not considered for absorption, they filed W.P.No.857 of 1998 seeking a writ of mandamus to declare the action of the official respondents in not considering their case for absorption as Junior Linemen from the Village Electricity Workers category, as illegal and arbitrary. This Court, by an order dated 06.12.1999, disposed of the writ petition, with a direction that the case of the petitioners be considered for absorption as Junior Linemen. In pursuance of the said order, the case of the petitioners was considered, but rejected for

absorption, on the ground that their turn had not come up within 50% quota of existing vacancies filled as on 18.05.1997, vide orders dated 21.12.1999. Challenging the same, the petitioners filed the present writ petition.

4. Learned counsel for the petitioners mainly contends that since the cases of many of the juniors of the petitioners and ineligible candidates were considered for absorption as Junior Linemen, the case of the petitioners should also be considered on par with them.

5. On the other hand, learned standing counsel for the official respondents submits that the case of the petitioners was considered during the pendency of this writ petition and all the petitioners were absorbed as Junior Linemen during the year 2002, and that as the relief sought for by the petitioners was already granted during pendency of the writ petition, no further orders are necessary and the writ petition becomes infructuous.

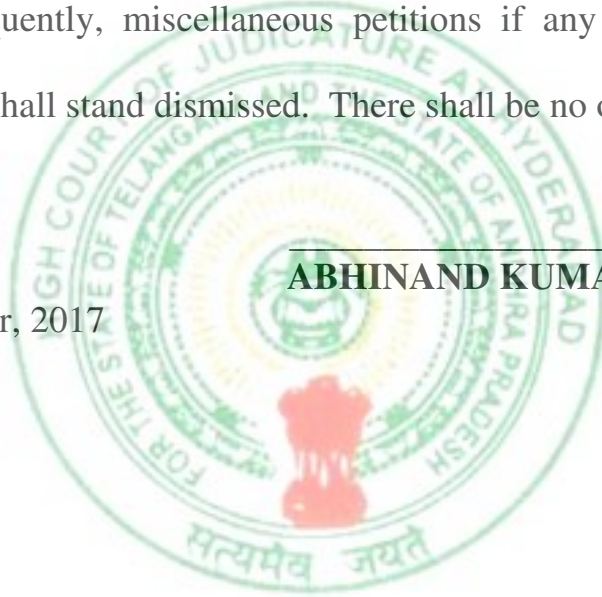
6. Learned counsel for the petitioners contends that if the services of the petitioners are regularized as on the date of their rejection orders dated 21.12.1999, they will be entitled for pensionary benefits as the employees, who were regularized during the year 1999, were entitled for pensionary benefits, and that since the case of the petitioners was not considered in the year 1999 and their case was considered and they were absorbed as Junior Linemen only in the year 2002, the petitioners were deprived of pensionary benefits.

7. In the above facts and circumstances of the case, this Court feels it appropriate to dispose of the writ petition, giving liberty to the petitioners to approach the official respondents by way of a representation seeking regularization with effect from 21.12.1999 notionally for the purpose of pensionary benefits, and on such representation being made by the petitioners, the official respondents will consider the same and pass appropriate orders within eight (8) weeks thereafter. With this liberty, this writ petition is disposed of.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. There shall be no order as to costs.

18th December, 2017
cbs

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No. 7509 of 2000
(disposed of)

18th December, 2017

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