

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42061 of 2017

ORDER:

The case of the petitioner is that his father while working as Lineman passed away on 27.04.2003 and the petitioner was appointed on compassionate grounds as Watchman. He reported for duty in Nizamabad on 17.02.2004. Thereafter he appeared for tenth class examination in June 2009 as private candidate and passed the examination. He requested for inclusion of the said qualification in the service register and also sought for appointment by transfer as Junior Lineman since he passed the tenth class examination in June 2009. He appeared for O&M test as prescribed in the Board's Memo dated 26.09.1997 in order to become eligible for appointment as Junior Lineman. Accordingly, orders were issued on 08.10.2010 by the third respondent directing the fourth respondent to issue necessary orders for appointment of the petitioner by transfer as Junior Lineman subject to the condition that he should acquire ITI qualification within four years from the date of appointment by transfer. The fourth respondent issued orders appointing the petitioner as Junior Lineman and he joined the said post on 20.10.2010. His probation was declared in the cadre of Junior Lineman and thereafter he was promoted as Assistant Lineman on 09.12.2013. Now when a notice was issued on 29.11.2017 by the fourth respondent stating that on verification of service book

it was observed that the petitioner failed to submit the ITI qualification pass certificate even after lapse of seven years and decided to cancel the commencement and declaration of probation in the cadre of Junior Lineman, the present Writ Petition is filed.

Learned Counsel for the petitioner places his reliance on T.O.O.(Jt.Secy-Per)MS No.152, dated 17.10.2017, and submits that in the absence of any ITI certificate, imparting training for a period of three months would be sufficient and without having regard to the said order now the petitioner is asked to submit ITI certificate in order to confirm his position as Junior Lineman. He further submits that when he was promoted as Assistant Lineman it is illogical to demote him to the post of Junior Lineman and asking him to produce the ITI certificate.

There is no dispute that the petitioner did not obtain ITI certificate and if he wants to take advantage of T.O.O.(Jt.Secy-Per)MS No.152, dated 17.10.2017, he has to undergo the training of three months to get confirmation in the cadre of Junior Lineman. Without getting confirmation in the post of Junior Lineman, he cannot be eligible for consideration to the post of Assistant Lineman by way of promotion. The irregularity in promoting the petitioner is now noticed by the fourth respondent and the impugned order is passed.

In the circumstances, this Court is not inclined to interfere with the impugned order, but however, gives liberty to

the petitioner to submit a representation to the concerned authority for regulating his service in accordance with the orders and instructions guiding such service.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

12.12.2017
vs

(A.RAMALINGESWARA RAO, J)

