

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8609 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings dated 21.5.1998 issued by the 2nd respondent-Superintending Engineer, Operation Circle, rejecting the case of the petitioner for absorption/ appointment on the ground that he was not provided by a licenced contractor etc., as illegal and arbitrary, and consequently, to direct the respondents to consider the case of the petitioner for absorption/appointment in terms of B.P.Ms.No.36, dated 18.5.1997.

2. Heard Sri V. Sudhakar Reddy, learned Counsel for the petitioner and Sri N. Siva Reddy, learned Standing Counsel for the respondents.

3. It has been contended by the leaned Counsel for the petitioner that the petitioner is a degree holder and he possessed typewriting higher both in English and Telugu and he was appointed on contract basis in the respondent-Corporation on 1.1.1993, and while he was discharging his duties therein, the respondents issued B.P.Ms.No.36, dated 18.5.1997 wherein the respondents took a policy decision to absorb the contract labour/casual labour, who were working in the respondent-Corporation, to an extent of 50% of the existing vacancies in initial recruitment posts, and that the petitioner applied for absorption in terms of B.P.Ms.No.36, dated 18.5.1997 but the respondents have not considered the case of the petitioner, and in those set of circumstances, the petitioner filed W.P.No.21851 of 1997 and the said writ petition was disposed of on 11.9.1997 with a direction to consider the case of the petitioner in terms of B.P.Ms.No.36, dated 18.5.1997 and thereafter, the respondents have considered the case of the petitioner and rejected his case vide proceedings

dated 21.5.998 on the ground that he was not appointed by a licenced contractor and he has failed in pole climbing test, and aggrieved by the same, the present writ petition has been filed.

4. It has further been contended by the learned Counsel for the petitioner that the petitioner applied for the post of L.D. Clerk, for which there is no requirement of passing of the pole climbing test and in spite of the same, the petitioner was subjected to pole climbing test and the respondents rejected the case of the petitioner on the ground that he has failed in pole climbing test.

5. The learned Standing Counsel for the respondents contended that all the posts meant for contract labour/casual labour have been filled up and there is no vacancy in the corporation and that the scheme under B.P.Ms.No.36 is not in force as on today.

6. Having considered the rival submissions made by the parties, this Court is of the view that the case of the petitioner was not properly considered by the respondents in pursuance of the orders passed by this Court in W.P.No.21851 of 1997 dated 11.9.1997, for the post of L.D. clerk and he was subjected to pole climbing test even though there is no such requirement for the said post. Therefore, the impugned order dated 21.5.1998 is set aside and the respondents are directed to consider the case of the petitioner by duly taking into consideration the representation submitted by the petitioner on 6.4.1999 for appointment/absorption to the post of L.D. Clerk in terms of B.P.Ms.No.36, dated 18.5.1997.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

Dated: 8th June, 2018
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