

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22622 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not issuing the posting orders to the petitioners as illegal and arbitrary, and consequently, to direct the respondents to issue posting orders to the petitioners as Badli Fillers forthwith, with all consequential benefits.

2. Heard Sri B.G. Ravindra Reddy, learned Counsel for the petitioner and Sri J. Sreenivasa Rao, learned Standing Counsel for the respondents.

3. It is the case of the petitioners that they were appointed as Badli fillers in the quota meant for the dependants of the employees, who had taken voluntary retirement on being declared medically unfit. They were sent for training vide office order dated 21.8.1997 after passing medical tests and they completed the training during the period from 22.9.1997 to 18.11.1997. MVT certificates were also given to them. On completion of training, the petitioners were asked to report to the 2nd respondent-General Manager for taking posting orders. Out of 16 persons, who were appointed and sent for training, 7 persons were given posting orders, and for the remaining persons including the petitioners, assurance was given that

they would be given posting orders in due course. But the respondents have not given any appointment orders to the petitioners in spite of their representations. Aggrieved by the same, the petitioners filed this writ petition.

4. The learned Standing Counsel for the respondents filed affidavit stating that as and when vacancies are available not only the case of the petitioners but also any one who is waiting in the row as on 31.12.1997 will be considered subject to condition that they have not opted for monetary compensation. He further contended that the respondent-company settled the matter with the union on 5.7.1999, and in the settlement, it was agreed to provide employment to the dependants of ex-employees pending as on 31.12.1997 in terms of memorandum of settlement dated 6.6.1998, and as per the subsequent settlement and implementation circular dated 11.10.2001, the petitioners opted for receiving lump sum amount of Rs.2 lakhs or 24 months wages whichever is more in lieu of dependent employment. Except petitioner No.5, all the petitioners have submitted their applications on 29.7.2002 opting for lump sum amount of Rs.2 lakhs and accordingly, the respondents paid lump sum amount to the petitioners except petitioner No.5.

5. This Court has considered the rival submissions made by the parties and the material available on record. It is the case of the petitioners that they were sent for training for recruitment

and they have successfully completed the training. But the respondents failed to give posting orders to them. It is the contention of the respondents that all the petitioners except petitioner No.5, received lump sum amount of Rs.2 lakhs, in lieu of dependent employment as per the settlement arrived at with the Union. The petitioners have failed to controvert the same. Further, mere undergoing training for recruitment, would not give any right to the petitioners to seek posting orders. Therefore, the approach of the petitioners is not bonafide, and this Court cannot direct the respondents to appoint the petitioners merely because they have undergone recruitment training.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 23rd November, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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23/11 /2018

Nn.