

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14390 OF 2007

ORDER :

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the Memo dated 15.3.2007 issued by the 2nd respondent as arbitrary, illegal and declare that the petitioner is entitled to be reckoned his seniority with effect from 1.9.1991 by declaring the impugned memo as illegal and arbitrary.

2. Heard Smt.S.V.Indira, the learned counsel for the petitioner and Sri N.Siva Reddy, Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was initially appointed in the former APSEB and while he was working with the APSEB, the APSEB has been bifurcated and in its place four subsidiary companies have come into existence and the petitioner had opted for absorption in TL&SS Division, Gajuwaka, by duly foregoing his lien in his parent circle Machkhand Division, Andhra Pradesh ZENCO and he has accepted to take last rank as Junior Lineman. But the petitioner contends that he is entitled to count his seniority right from 1.9.1991 and contends that he may be placed at appropriate place in the seniority list.

4. The learned Standing Counsel for the respondents contends that the petitioner had opted for TL&SS Division, Gajuwaka, duly foregoing his lien and seniority in the parent circle and the question of counting his seniority from 1.9.1991 would not arise.

5. This Court, having considered the rival submissions made by both the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation seeking seniority in terms of T.O.O.Ms.No.35, dated 19.5.2004, within one week from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider and pass appropriate orders within a period of four weeks thereafter.

6. With this observation, Writ Petition is disposed.

7, The Miscellaneous Petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 30.11.2018

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