

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23543 OF 2006

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more in the nature of writ of Mandamus declaring the impugned Memo No. CGM(HRD)/AS(PC)/PO-G/G2/180/2005,dt. 17.07.2006 issued by the 1st respondent as illegal, untenable, unsustainable and violative of Articles 14 & 16 of the Constitution of India and consequently direct the respondents to reckon the seniority of the petitioner in the LDC cadre on notional basis w.e.f. 25.05.1998 and pass other and further orders as this Hon'ble court deems fit and proper.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner and Sri P.R.Balarami Reddy, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that he was engaged as Village Electricity Worker on 22.11.1985. Thereafter, his services were regularized with effect from 25.05.1998 as Junior Line Man instead of LDC. Hence, he submitted a representation on 12.04.2006 to consider his case for notional fixation of seniority by duly taking into consideration his case in the cadre of LDC. But the respondents have rejected his case on administrative grounds.

Learned counsel appearing for the petitioner contends that without appreciating any of the contentions raised by the

petitioner and without passing a detailed speaking order, the respondents have rejected the case of the petitioner.

Learned Standing Counsel appearing for the respondents contends that the petitioner was regularized in the cadre of Junior Line Man as per his eligibility and the question of considering his case for notional fixation as LDC from the date of his initial appointment does not arise.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is issued to the respondents to re-consider the case of the petitioner for notional fixation.

Accordingly, the Writ Petition is disposed of directing the respondents to re-consider the case of the petitioner for notional fixation in the cadre of LDC from the date of his initial appointment and pass a detailed speaking order, within a period of four weeks, in accordance with the Rules. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th October, 2018
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