

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.33209 OF 2011 & 6229 of 2018

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being heard together and disposed of by this common order.

W.P.No.6229 of 2018 is filed seeking the following relief:

“...to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioners, who belong to 128 families out of 476 families evicted from Tirumala in 1985-86 for implementation of TTD Master Plan and who were appointed as unskilled worker on outsourcing basis vide TTD Board Resolution No.35, dt. 27.4.2009 and Resolution No.685, dt. 18.6.2010 having regularized the services of the similarly situated employees from 181 families out of the said 476 families, as illegal, arbitrary , unjust, discriminatory and violative of Articles 14 and 21 of the Constitution of India and contrary to doctrines of Promissory Estoppel and Legitimate Expectation and consequently direct the respondents to regularize the services of the petitioners with all consequential benefits and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

W.P.No.33209 of 2011 is filed seeking the following relief:

“...to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not appointing the petitioners herein in the service of Tirumala Tirupathi Devasthanams on permanent basis having permanently appointed similarly situated 1985

& 1986 displaced persons from Chandrababu Thota and Perindevi Thota, Tirumala, Tirupathi, Chittoor District, as illegal, arbitrary, unjust, discriminatory and violative of Articles 14 and 21 of the Constitution of India and contrary to doctrines of Promissory Estoppel and Legitimate Expectation and consequently direct the respondents to provide regular/permanent employment to the petitioners, which has been provided to the similarly situated displaced persons and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

Heard Sri Bobbili Srinivas, learned counsel appearing for the petitioners, Smt B.V.Seshaveni, learned Standing Counsel appearing for the 2nd respondent and learned Government Pleader for Endowments appearing for the 1st respondent.

For the sake of convenience, the facts in W.P.No.6229 of 2018 are discussed hereunder:

It is the case of the petitioners that their families were evicted from Tirumala in order to implement TTD Master Plan. At the time of displacing the petitioners, the respondent-TTD assured that they would be suitably compensated in the form of regular employment in the TTD. After various correspondence between the petitioners and the respondent-TTD, finally, the 1st respondent had issued a Memo on 21.09.2015 directing the respondent-TTD to consider the representation of 139 displaced persons as and when vacancies

had arisen, based on their qualification and eligibility and furnish the action taken by the 2nd respondent.

The grievance of the petitioners is that in pursuance of the said Memo dated 21.09.2015, the respondent-TTD had neither passed any orders nor consider their cases for providing suitable employment.

Learned counsel appearing for the petitioners submits that some of the displaced persons were provided employment by the respondent-TTD and that the action of the respondent-TTD is contrary to the Memo dated 21.9.2015 issued by the 1st respondent.

Learned Standing Counsel appearing for the respondent-TTD contends that pursuant to the Memo dated 21.9.2015, the respondent-TTD had submitted a detailed representation to the 1st respondent and the 1st respondent is yet to take action on the said representation submitted by the respondent-TTD and in the absence of any order issued by the 1st respondent, the respondent-TTD cannot provide employment to the petitioners.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the State Government has issued Memo dated 21.9.2015 directing the respondent-TTD to take a decision and

furnish report. It is for the 2nd respondent to act on the issue of providing employment to the petitioners in terms of Memo dated 21.9.2015.

Accordingly, both the Writ Petitions are disposed of directing the respondent-TTD to take necessary action in terms of Memo dated 21.9.2015 issued by the 1st respondent, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

29th October, 2018
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