

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.30461 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in not considering the case of the petitioners for absorption, in their working posts or consider the case of the petitioners for absorption/regularization in any other suitable posts in the respondents organization, as illegal and arbitrary. A consequential direction is also sought to consider the candidature of petitioners for appointment as Junior Line Man in the existing vacancies or absorb them in any other suitable post in the respondent corporation.

Heard Sri Rajshekar Thallapally, learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing counsel for respondents.

It has been contended by the petitioners that they were engaged as contract workers with the respondents and they are fully eligible and qualified to be absorbed in terms of B.P.Ms.No.36 dated 18.05.1997 but the respondents are not considering their cases for absorption in terms of the said B.P.Ms.No.36 dated 18.05.1997.

When the matter is taken up for hearing, the counsel for the petitioners contended that the issue raised in this writ petition is squarely covered by the orders in W.P.No.21563 of 2001 dated 18.12.2017 and similar benefit is to be extended to petitioners as the petitioners are also similarly situated as petitioners therein.

Learned Standing counsel appearing for the respondents contends that the B.P.Ms.No.36 dated 18.05.1997 was withdrawn in 2006 and therefore the question of considering the cases of petitioners as pointed out would not arise.

This Court, having considered the rival submissions made by both the parties, is of the considered view that if similarly situated persons are considered for regular appointment in terms of B.P.Ms.No.36 dated 18-05-1997, this Court would not see any reason why the said benefit should not be extended in favour of petitioners.

Therefore, the respondents are directed to consider the case of the petitioners for regular appointment in terms of B.P.Ms.No.36 dated 18-05-1997 as per Rules and in accordance with law and pass appropriate orders within eight (08) weeks from the date of receipt of copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 19.09.2018
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