

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.18414 OF 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus directing the respondents to consider the petitioner's application, dated 27.05.2009 in the light of the orders passed by the respondents, vide proceedings, dated 03.11.2006 in the light of G.O.Rt.No.764, dated 31.07.2006 and consequently the petitioner be appointed as Junior Lineman in the CESS.

2. Heard Sri B.Ramesh, learned counsel for petitioner and Mr. CH.Koteswara Rao, learned standing counsel for respondents.

3. It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as Village Electricity Worker during 1988 and worked up to 1996 and due to ill-health, the petitioner has to discontinue from service from 1996 and when he has recovered, he has submitted an application to the 1st respondent on 27.05.2009 to consider his case for appointment as Junior Lineman in CESS. But, the respondents have not passed any order on the said application submitted by the petitioner on 27.05.2009. He further contends that for similarly situated persons, the respondents have appointed them as Junior Lineman and when it comes to the petitioner, they are not considering the case of the petitioner for appointment as Junior Lineman in CESS, which action of the respondents is arbitrary and illegal.

4. Learned standing counsel for the respondents contended that the respondents have rejected the case of the petitioner within 2 days from the date of submission of application and therefore, question of considering his case at this point of time would not arise.

5. The petitioner approached the respondents nearly after 13 years for re-engagement as Junior Lineman.

6. Learned standing counsel for respondents contends that there is no post of Village Electricity Worker after Junior Lineman for the petitioner and hence, question of considering his case at this point of time would not arise.

7. This Court having considered the rival contentions made by both parties, is of the considered view that the ends of justice would be met if the respondents are directed to re-consider the case of the petitioner for engaging as Junior Lineman or any other suitable post in accordance with rules and pass appropriate orders within 4 weeks from the date of receipt of a copy of this order.

8. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 10-10-2018

Hsd