

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7508 OF 2010

ORDER

This writ petition is filed seeking the following relief:

“...to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not including the names of the petitioners in the list of employees of the 3rd respondent Corporation as arbitrary, discriminatory, and illegal and consequently direct the 3rd respondent to include the names of the petitioners in the category of Tech. Work Inspectors in A.P. Education & Welfare Infrastructure Development Corporation (R-3), in terms of G.O.Ms.No.107 Edn, Dept, dt. 30.08.2008 read with G.O.Ms.No.198, SW Dept. dt. 3.11.2008 and the proceedings Rc.No.A7/13333/APSC/2008, dt. 6.11.2008 of the 5th respondent and also consider the petitioners for promotion to the cadre of AEE/AE, in accordance with their seniority, and following the Rule of Reservation, on par with similarly situated Work Inspectors of District SC Coop. Society Ltd., Chittoor and with all other consequential benefits, monetary or otherwise.”

Heard Sri V.Jagapathi, learned counsel appearing for the petitioner, Sri G.Seena Kumar, learned Standing Counsel appearing for respondents 3 and 4 and learned Standing Counsel appearing for respondents 5 and 6.

It is the case of the petitioners that initially, they were appointed as Technical Work Inspectors in the 5th respondent-Corporation by the District Collector in the years 1986, 1987, 1989 and 1991 respectively. While so, the School Education Department, Government of A.P. issued G.O.Ms.No.107 Edn. (SE-TRG) dt. 30.8.2008, wherein the State Government has taken a decision to merge social welfare engineering wing into

3rd respondent-Andhra Pradesh Education and Welfare Infrastructure Development Corporation. Since the petitioners are employees of the 5th respondent and working more than a decade in the 3rd respondent, on deputation basis, they are entitled for absorption in the 3rd respondent-Corporation.

The grievance of the petitioners is that even though they are working under the control of the 5th respondent, and entitled for absorption, the 3rd and 4th respondents have deliberately omitted their names.

Learned counsel appearing for the petitioners contends that though the petitioners are working in the 3rd respondent-Corporation on deputation basis since 2008, the 3rd respondent has not taken a decision for their absorption, which is contrary to G.O.Ms.No.107, dated 30.8.2008.

Learned Standing Counsel appearing for respondents 3 and 4 contends that the petitioners are not working in the engineering wing of the 5th respondent; that they are employees of the 6th respondent; that only engineering wing of the 5th respondent was merged with the 3rd respondent; and hence, the question of considering their cases for absorption in the 3rd respondent does not arise.

Learned Standing Counsel appearing for respondents 5 and 6 contends that the petitioners are eligible for absorption

in the 3rd respondent-Corporation in terms of G.O.Ms.No.107, dated 30.8.2008 and G.O.Ms.No.198, dated 3.11.2008 and in fact, the 5th respondent has recommended the case of the petitioners for absorption in the 3rd respondent-Corporation *vide* proceedings dated 6.11.2008.

Learned counsel appearing for the petitioners submits that two petitioners are working in the 3rd respondent on deputation and remaining petitioners are working in Rajiv Vidya Sarva Siksha Abhayan, which is under the control of 3rd respondent-Corporation and as the petitioners are working under the control of the 3rd respondent-Corporation, their cases deserve to be considered for absorption.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that it is for the State Government to give clarification as to whether the petitioners are entitled for absorption in terms of G.O.Ms.No.107, dated 30.8.2008 and G.O.Ms.No.198, dated 3.11.2008. Thereafter, it is for the 3rd respondent to take a decision as to whether the petitioners are entitled for absorption or not.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to take a decision as to whether the petitioners are entitled for absorption in the 3rd respondent-

Corporation within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the 3rd respondent. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th October, 2018
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