

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.41855 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, to direct the respondents to appoint the petitioners in their respective divisions at the time of their termination on par with the petitioners in W.P.No.1260 of 2011, dated 08.02.2012, as Shift Operators, pending recruitment of Junior Linemen, as per Memo No.SE/O/ATP/DE-T/ADE-T/AAE-T/D.No.4127/15-16, dated 05.11.2015 with consequential benefits.

Heard Sri K.Srinivasa Reddy, learned counsel for the petitioners and Sri N.Siva Reddy, learned standing counsel for the respondents.

It has been contended by the petitioners that they are working on contract basis since June, 2006. The respondents had issued a notification on 06.06.2006, calling for applications from the eligible I.T.I (Electrician) Trade Candidates for filling up of the posts of Junior Linemen. In pursuance to the said notification, the petitioners had applied. After undertaking regular selection process, the petitioners were not considered on the ground that the I.T.I. certificates submitted by the petitioners are not genuine. In those set of circumstances, some of the candidates have filed W.P.No.1260 of 2011 and this court, vide orders, dated 08.02.2012, dismissed the said writ petition with the following observations:

“The only contention of the learned counsel for the petitioners is that they were cheated by third parties and that they had no knowledge whether the institutions, which issued the certificates, were recognized or not and that since no regular enquiry was conducted, their earlier conduct should not be taken as a stigma when they apply at the time of fresh recruitment.

In the circumstances, I am of the considered view that there are no merits in the writ petition and the same is liable to be dismissed. However, in case if the petitioners apply in pursuance of any fresh notification, the respondents should not reject their case only on the ground of their alleged previous conduct.”

Thereafter, the petitioners have obtained I.T.I qualification from the recognized colleges, however, their cases have not been considered on par with the petitioners, who are similarly situated, in W.P.No.1260/2011. The petitioners have submitted a representation on 23.12.2015 to the respondents to consider their cases for appointment on contract basis and also consider their cases whenever regular notification is issued.

Learned standing counsel for the respondents has contended that the respondents might have passed orders on the representation submitted by the petitioners.

Having considered the rival submissions made by both the parties, without expressing any opinion on the merits of the case, this court is of the considered view that the writ petition can be disposed of, directing the respondents to consider and pass orders on the representation submitted by the petitioners on 23.12.2015, in accordance with law, within a period of 4 (four) weeks from the date of receipt of a copy of this order.

With these observations, 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: 20.04.2018
Dsr