

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO.11464 OF 2001**

**ORDER:**

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the order dated 13.1.2000 issued by the 2<sup>nd</sup> respondent- Superintending Engineer, Operation, rejecting the case of the petitioner for absorption/ appointment on the ground that he was not qualified and he was not on rolls as on 18.5.1997, as illegal and arbitrary, and consequently, to direct the respondents to consider the case of the petitioner for absorption/appointment in the post of L.D.C in terms of B.P.Ms.No.36, dated 18.5.1997.

2. Heard Sri K. Ratna Sagar, learned Counsel for the petitioner and Sri M. Ravindra, learned Standing Counsel for the respondents.

3. It has been contended by the learned Counsel for the petitioner that the petitioner is a degree holder and he worked as a contract labour in the office of the Divisional Engineer, Tadipalligudem from 1.8.1995 to 31.7.1997 on contract basis and while he was discharging his duties therein, the respondents issued B.P.Ms.No.36, dated 18.5.1997 wherein the respondents took a policy decision to absorb the contract labour/casual labour, who were working in the respondent-Corporation, to an extent of 50% of the existing vacancies in initial recruitment posts, and that the petitioner applied for absorption/appointment in terms of B.P.Ms.No.36, dated 18.5.1997 but the respondents have not considered the case of the petitioner, and in those set of circumstances, the petitioner along with others filed W.P.No.19858 of 1998 and the said writ petition was disposed of on 22.07.1998 with a direction to consider the case of the petitioner and others in terms of B.P.Ms.No.36, dated 18.5.1997 and thereafter, the respondents have considered the case of the petitioner and rejected his case

vide proceedings dated 13.1.2000 on the ground that he was not qualified and he was not on rolls as on 18.5.1997 and aggrieved by the same, the present writ petition has been filed.

4. It has further been contended by the learned Counsel for the petitioner that the petitioner belongs to the S.C. category and he obtained degree in B.A. in the year 1993 itself and that the respondents issued the order dated 13.1.2000 rejecting his case, without considering his case properly.

5. The learned Standing Counsel for the respondents contended that all the posts meant for contract labour/casual labour have been filled up and there is no vacancy in the corporation and that the scheme under B.P.Ms.No.36 is not in force as on today.

6. Having considered the rival submissions made by the parties, this Court is of the view that the case of the petitioner was not properly considered by the respondents in pursuance of the orders passed by this Court in W.P.No.19858 of 1998, on 22.07.1998, for the post of L.D. clerk on the ground that he was not qualified, even though he had requisite qualifications as early as in 1993 and he was in service as on 18.05.1997. Therefore, the order dated 13.1.2000 issued by the 2<sup>nd</sup> respondent is set aside and the respondents are directed to consider the case of the petitioner for absorption/appointment to the post of L.D. Clerk in terms of B.P.Ms.No.36, dated 18.5.1997.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

Dated: 8<sup>th</sup> June, 2018  
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