

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20562 OF 2018

Date: 09.07.2018

Between:

Syed Ghouse s/o. Syed Sultan, Aged about 36 years,
Driver O/o Hyderabad Metropolitan Water Supply &
Sewerage Board, Khairatabad, Hyderabad,
R/o.6-3-1240/189, M.S.Maqtha, Hyderabad.

.....Petitioner

And

The State of Telangana, rep.by its Secretary,
MA & UD Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims that he is presently working as Driver from 17.07.2000 in 2nd respondent-Board. It appears, several such persons are working in the respondent-Board. A special recruitment drive was conducted for filling up the posts of General Purpose Employees in the respondent Board in the year 2014. In pursuant to the said recruitment process, certain persons, who are alleged to be juniors to petitioner, were appointed. In this writ petition, petitioner contends that such appointment of his juniors, ignoring him is not valid in law and seeks declaration that not considering the petitioner's case for absorption as General Purpose Employee while absorbing his juniors is illegal, arbitrary and unconstitutional.

2. Material on record would disclose that when recruitment process was taken up in the year 2014, alleging that petitioner was not considered, he filed O.A.No.3528 of 2014 before the A.P.Administrative Tribunal (APAT). The Tribunal, by order dated 09.06.2014, directed the respondents to receive the application of petitioner and allow him to participate in the selection process for the post of General Purpose Employee if the selection process is still going on.

3. In the writ petition paper book, petitioner filed proceedings of Managing Director dated 27.04.2018, where under certain persons were appointed as General Purpose Employees. A reading of the proceedings would show that those persons were subjected to selection process.

4. Learned counsel for petitioner sought to contend that persons so appointed are juniors to petitioner. As could be seen from the proceedings itself, decision was taken to fill up 450 posts of General Purpose Employee (WS) and 208 posts of General Purpose Employee (Sew). In the process, the respondent-Board gave opportunity to the employees working on Hand Receipt (HR) and Nominal Muster Roll (NMR) basis by conducting special recruitment drive. As all of them worked on HR/NMR basis and required to participate in selection process, the question of seniority criteria does not arise. Person has to qualify in the special recruitment drive to be eligible for appointment as General Purpose Employee. Petitioner cannot complain that he was ignored and his juniors were considered for appointment on regular basis unless he appears in the recruitment process and was successful.

5. Be that as it may, O.A., filed by petitioner before APAT was transferred to this Court, renumbered as WP (TR) No.2255 of 2017 and the same is pending consideration of the Court. If petitioner has any grievance against his non-consideration in the year 2014 selection, he could have taken appropriate steps in the pending Writ Petition, but cannot independently institute another writ petition merely on the ground that some employees, who were appointed later to the petitioner on HR/NMR basis, were appointed as General Purpose Employees regularly following selection process. This Writ Petition deserved to be dismissed and is accordingly dismissed, leaving it open to petitioner to prosecute the pending writ petition. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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