

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21194 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to consider the case of the petitioner for appointment as conductor or in any other suitable post according to his educational qualifications on regular basis.

2. Heard Sri V.V.N. Narasimham, learned Counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for the respondent-Corporation.

3. It has been submitted by the petitioner that he was appointed as Mazdoor on NMR basis in the respondent-Corporation during the year 1988 and he worked for two years, and thereafter, when his services were terminated by an oral order, he filed I.D.No.137 of 1990 before the Industrial Tribunal-cum-Labour Court, Ananthapur, under Section 2-A(2) of the Industrial Disputes Act, and the learned Tribunal was pleased to set aside the oral termination order and to direct that the petitioner shall be reinstated into service, and when the respondents have not implemented the orders passed by the learned Tribunal, the petitioner filed W.P.No.3657 of 1998 and this Court vide order dated 3.8.1998 was pleased to allow the writ petition and to direct the respondents to implement the award passed by the learned Tribunal in I.D.No.137

of 1990 on 23.1.1995, and in pursuance of the orders passed by this Court, the respondents have reinstated the petitioner into service, but they are not regularizing the services of the petitioner. Aggrieved by the same, the present writ petition has been filed.

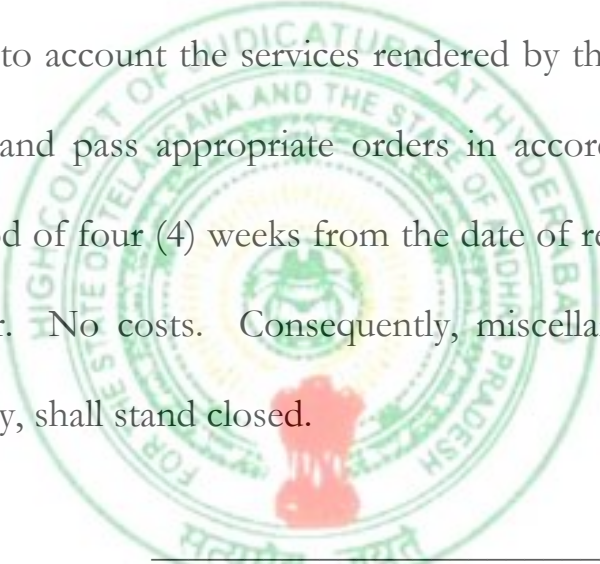
4. Learned Counsel for the petitioner contends that some similarly situated persons, who were not considered for regular appointment, filed W.P.No.92 of 1993 before this Court, and this Court vide order dated 10.10.1996 disposed of the said writ petition directing the respondents herein to consider the case of the petitioners therein for any suitable post subject to availability of vacancies and fulfillment of educational qualifications, and that the petitioner is also similarly situated person and therefore, his case may be considered in pursuance of the orders of this Court in W.P.No.92 of 1993, dated 10.10.1996. He further contends that the petitioner is being engaged continuously by the respondents, but the respondents are not regularizing his services.

5. The learned Standing Counsel for the respondent-Corporation contends that the petitioner is not qualified to hold the post of conductor and other suitable post, and there are no vacancies as on today in the Corporation.

6. This Court having considered the rival submissions made by the parties is of the view that ends of justice would be met if a

direction is given to the respondents to consider the case of the petitioner for regular appointment in any suitable post in the respondent-Corporation by duly taking into account the services rendered by the petitioner for a long time, and pass appropriate orders.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for regular appointment in any suitable post in the respondent-Corporation by duly taking into account the services rendered by the petitioner for a long time, and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this Order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 16th August, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21194 OF 2001



16/08/2018

Nn.