

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4894 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondent in orally terminating the services of the petitioner as Messenger as illegal, arbitrary and contrary to the provisions of the A.P. Shops and Establishment Act and Industrial Disputes Act and consequently direct the respondent to consider the case of the petitioner for regularization of service as Messenger and pass such other or further orders as the Hon'ble court feels deem fit and proper in the facts and circumstances of the case.”

Heard Sri O.Manohar Reddy, learned counsel appearing for the petitioner and Ms. V.Uma Devi, learned Standing Counsel appearing for the respondent-Bank.

It is the case of the petitioner that initially, he was appointed as Messenger in the respondent-Bank on 03.03.1997. He was given consolidated salary of Rs.1,040/- per month and subsequently, his salary was enhanced from time to time. While he was discharging his duties as such, the respondent-Bank had orally terminated the services of the petitioner on 15.3.2003. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that though the petitioner was engaged on consolidated pay and rendering considerable length of service, when regular vacancy had arisen, his case was not considered for

continuation of his services and for regularization and that an appropriate direction may be given to the respondents to set aside the oral termination order by reinstating the petitioner into service and consider his case for regularization of his services.

Learned Standing Counsel appearing for the respondent-Bank contends that as the petitioner was engaged against a leave vacancy, the respondents have terminated his services; and that when a regular vacancy had arisen, the petitioner was called for the interview, but he had not turned up.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that though the respondents have considered the case of the petitioner and called for the interview, but he has not turned up. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

