

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20752 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in absorbing the contract labour worked in Srisailam Left Bank Hydro Electric Scheme *vide* proceedings Rc.No.SE/CCII/HP/SLMW/AAO/Adm/1013/2000, dated 31.10.2001 by not considering the petitioners and without following any procedure and further action of the respondents in rejecting the case of the petitioners *vide* the impugned proceedings dated 3.5.2005 by setting aside the same as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to consider the petitioners for absorption in the existing vacancies of JPA/Mazdoor reported *vide* proceedings G.O.O.No.180/GM(Adm)/2003, dated 11.6.2003 and newly sanctioned posts *vide* G.O.Ms.No.308, dated 16.12.2009 and pass such other order or orders in the interest of justice.”

When the matter is taken up for hearing, learned Standing Counsel appearing for the respondents submits that the case of the petitioners for appointment was considered under BPMS No.37, dated 18.5.1997 and the same was rejected and the said BPMS No.37 was subsequently withdrawn *vide* G.O.O.No.697/2002 dated 3.2.2003 and hence, the question of considering the case of the petitioners for appointment in

terms of withdrawn BPMS No.37, dated 18.5.1997, does not arise.

Learned counsel appearing for the petitioners submits that the respondents have not properly considered the case of the petitioners and mechanically rejected their cases.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that when once the case of the petitioners was considered in accordance with BPMS No.37, dated 18.5.1997 and rejected, this Court is not inclined to further direct the respondents to consider the case of the petitioners for appointment in accordance with BPMS No.37, which was withdrawn subsequently *vide* proceedings dated 3.2.2003.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th November, 2018

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