

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.10402 of 2001

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of the respondents in not considering the case of the petitioner for absorption in suitable post as per B.P.Ms.No. 36, dated 18.05.1997, as illegal and arbitrary, and consequently to issue a direction to the respondents to absorb him as Junior Lineman / Helper / Junior Assistant / Typist in terms of B.P.Ms.No. 36, dated 18.05.1997.

Heard Sri K. Chaitanya, learned counsel for the petitioner and Smt. A. Deepti, learned counsel for the respondents and perused the material placed on record.

The case of the petitioner is that on 15.06.1997, he was initially engaged as Casual Labour with the respondents. While so, the respondents have come up with a policy decision to regularize or absorb such of those Casual Labourers who are working with the respondents by virtue of B.P.Ms.No. 36, dated 18.05.1997.

This Court, vide order dated 23.05.2001, while admitting the writ petition, gave interim direction to the respondents to consider the petitioner's case in suitable post if he is found eligible as per B.P.Ms.No. 36, dated 18.05.1997 in the interview to be held on 29.05.2001.

The respondents have not filed counter affidavit.

The learned counsel for the petitioner contends that since there has been a positive interim direction to the respondents, no further orders are necessary in this writ petition, and if the petitioner was appointed in pursuance of the interim order, the same should not be disturbed and if he was not appointed in pursuance of the interview held during May, 2001, it is appropriate that the petitioner may be given liberty to challenge the same by way of filing a fresh writ petition.

With the above submission the writ petition is disposed of with a direction to the respondents not to disturb the position of the petitioner if he was selected in pursuance of the interview held on 29.05.2001, and in case he was not selected, it is always left open to the petitioner to challenge the same in appropriate proceedings.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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ABHINAND KUMAR SHAVILI, J

22-06-2018

bcj