

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.10440 of 2009

ORDER:

Heard learned counsel for the petitioner and Ms.Seshaveni, the learned Standing Counsel for the 1st respondent.

This writ petition is filed to provide forest works in favour of petitioner's Society on nomination basis as per Resolution No.377, dated 22.08.2008, without reference to the impugned proceedings dated 26.03.2009 issued by the 2nd respondent.

The case of the petitioner-Society is that it consists of 300 members. They were initially engaged as casual labourers in the Forest Department, Tirumala Tirupati Devasthanams in the year 1995. In the year 2003, the 1st respondent without issuing any notice, directed the members of the petitioner-Society not to attend duties. Aggrieved thereby, the members of the petitioner-Society made representations to the State Government for absorption of their services. The State Government, after considering the representations, issued Memo dated 01.01.2005 directing the 1st respondent to place the matter before the Trust Board and submit a report. Accordingly, the 1st respondent placed the matter before the Trust Board and the Trust Board passed a Resolution dated 24.10.2005 directing the members of the Petitioner-Society to form into a Co-operative Society, so as to entrust works to petitioner-Society on nomination basis. Accordingly, the members of the petitioner Society formed into a Society. The 2nd respondent issued proceedings dated 10.12.2007 entrusting the work of Fire Tracing Operations in Tirupati Range during the year 2007-08 to the

petitioner-Society on nomination basis. The petitioner-Society after receipt of the work order, completed the said works and the respondents have paid amount through demand drafts. While the matter stood thus, some of the casual mazdoors, whose services were dispensed with in the year 2003-04, made a representation to the 1st respondent for providing work to their Society members. The 1st respondent, after considering their cases, passed Resolution No.377, dated 22.08.2008 directing the respondents to provide work to the Forest workers, whose services were dispensed with in the year 2004. At the instance of the 1st respondent, the 2nd respondent issued impugned proceedings dated 26.03.2009 providing work to the forest workers on work payment system upto Rs.3.00 lakhs and sanction orders are issued to that effect. Hence, the writ petition.

The counter affidavit is filed on behalf of the respondents *inter alia* stating that till today the works have been given to the petitioner Society to a tune of Rs.11.82 lakhs though 300 members of the Petitioner Society are not genuine. Under the impugned proceedings dated 26.03.2009, as per Resolution No.377, dated 22.08.2008, TTD Board has resolved to provide works to the Forest workers, whose services were dispensed with in the year 2004 duly implementing the minimum wages.

Learned counsel for petitioner submits that the members of the petitioner Society were given works on nomination basis as per Resolution No.377 dated 22.08.2008 without reference to the impugned proceedings dated 26.03.2009.

Learned Standing Counsel submits that in similar circumstances W.P.No.15954 of 2007 was filed before this Court and

the same was dismissed on 19.02.2018 giving liberty to the petitioner Society to work out remedies as per law.

The prayer in the instant writ petition is with regard to allotment of work on nomination basis as per Resolution No.377, dated 22.08.2008. The petitioner Society does not have any right to ask for allotment of works on nomination basis since under the impugned proceedings, the TTD has constituted a Committee and they have decided to provide work to the erstwhile casual labourers, whose services were dispensed with prior to 2004 'on work payment system'. Further, similar W.P.No.15954 of 2007 seeking implementation of similar resolution passed by TTD was dismissed.

For the aforesaid reasons, the writ petition is dismissed. However, liberty is given to the petitioner Society to file representation before 1st respondent setting out its grievances. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

KONGARA VIJAYA LAKSHMI, J

Date: 12.11.2018
Prv