

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 5651 of 2009

ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an order in the nature of Writ of Mandamus declaring the proceedings in Pcc.No.TL3/ 14832/ 2008, dated 04.12.2008 issued by the respondent and rejection of the petitioner's claim by the respondent, as illegal, arbitrary and contrary to Article 14 of the Constitution of India and set aside the same and further direct the respondent to absorb/regularize the services of the petitioner as Junior Assistant/ Typist with effect from 18.02.1992 on par with others in the interest of justice.”

Heard Sri M. Ratna Reddy, learned counsel for the petitioner and Smt.D.Radhika, learned Standing Counsel for Tirumala Tirupathi Devasthanam appearing on behalf of the respondent and perused the material placed on record.

The brief facts of the case are that the petitioner was initially appointed as Casual Labour in 1986 and his services were regularized as Gardner in 2007. The petitioner is fully eligible and qualified to be absorbed as Junior Assistant / Typist, and to that effect, he made a representation requesting the respondent to consider his case, but the respondent, vide impugned proceedings dated 14.12.2008, has rejected his case on the ground that mere possession of requisite qualification to the post of Junior Assistant / Typist itself would not be sufficient to absorb him as Junior Assistant / Typist, and as per the recruitment rules, there is no channel for promotion to the post of Junior Assistant / Typist from

the cadre of Gardner. Challenging the same, the present writ petition is filed.

The learned Standing Counsel submits that in the absence of any specific rule, the case of the petitioner cannot be considered for absorption in the cadre of Junior Assistant / Typist and in view of the same, the writ petition is liable to be dismissed.

This Court, having considered the rival contentions of both the parties, is of the opinion that admittedly there is no channel for absorption of the post of Gardner and giving resultant promotion as Junior Assistant / Typist to the petitioner, and in the absence of any such provision, this Court cannot give a direction to the 2nd respondent to absorb the petitioner's services as Junior Assistant / Typist.

In view of the same, the writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

23-10-2018

bcj