

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29875 OF 2018

DATED :17.09.2018

Between :

Sri M.Prasanna Kumar S/o.M. Uppallaiah,
Aged 28 yrs, Occu : Unemployed,
R/o.6-6-218, Raju Nagar, Balnagar,
Hyderabad 500037

.. Petitioner

And

Principal Secretary to Government of Telangana State,
Municipal Administration and Urban Development Dept.,
Secretariat Buildings, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government pleader for respondent No.1 and learned Standing Counsel for respondents 2 to 5.

2. Petitioner claims that he is employed by contractor as Sanitary Field Assistant in the place of Mr.Ch. Mallesh-6th respondent, who worked in the said capacity. Due to sickness, Ch.Mallesh absented to duties. According to petitioner now Ch.Mallesh has come back to work and because he is taken back to duty, petitioner is sought to be terminated. In the present writ petition petitioner seeks a declaration against respondents 1 to 5, in continuing the services of 6th respondent, even though he was absent for more than two and half years and terminating his services after employing him for that period.

3. A bare perusal of the communication of the contractor to the competent authority would show that the contractor was informing the competent authority long absence of Ch.Mallesh due to sickness and sought permission to engage the petitioner in the place of Ch.Mallesh. It appears permission was granted and petitioner was engaged by the contractor. In what circumstances, Ch.Mallesh did not attend to duties and whether he was permitted to abstain from duties on health grounds is not known. Admittedly, petitioner was appointed in the place of Ch.Mallesh.

4. The said contractor is not a party in the present writ petition. The appointment of petitioner was made by the

contractor in the place of Ch.Mallesha. Even according to petitioner Ch.Mallesha is taken back to duty by the contractor. All those actions were by the contractor. Thus, the relief as claimed cannot be granted as the respondent-Municipal Corporation is no way concerned in dispensing the service of Ch.Mallesha initially, engaging the petitioner in the place of Ch.Mallesha and later dispensing the service of petitioner.

5. Thus, leaving it open to the petitioner to work out his remedies against the alleged termination from service the Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

17th September, 2018
Rds

P.NAVEEN RAO,J

