

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 9176 of 2012

Date : 7.2.2018

Between :

G Venkata Ramana S/o G Reddanna
Loco Shunter
Rayalaseema Thermal Power Project
Kadapa

Petitioner

And

The APGENCO
Rep by its MD, Vidyut Soudha, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was engaged as contract labour in the year 1994 and with effect from 6.12.1996 he was absorbed as Mazdoor. He possesses the qualification of SSC and ITI in Fitter trade. Consequent to policy decision taken by the respondent corporation, petitioner being ITI certificate holder, he was converted as Junior Plant Assistant. Petitioner also claims to possess valid heavy vehicle driving license. He was posted as Loco Shunter in April 2005 and appointed on transfer as Loco Shunter with effect from 11.8.2010. Request made by petitioner for grant of promotion as Loco Operator Grade II was rejected by order dated 29.3.2012, hence this writ petition.

2. Heard learned counsel for petitioner and learned standing counsel for respondents.

3. Learned counsel for petitioner submits that petitioner is working in loco branch as Loco Shunter, therefore eligible to be promoted as Loco Operator Grade II and not granting promotion is illegal. According to petitioner such benefit was extended to similarly situated persons viz, Sri T Srinivasulu and Sri M Ramanjaneyulu and denying same to petitioner is illegal.

4. According to learned counsel, in W P No. 4607 of 2012 filed by petitioner this Court by order dated 22.2.2012 directed respondents to consider claim of petitioner. It was contended that since promotion was granted to two similarly situated employees named above, he should also be granted same benefit as extended to others. Learned counsel submits that not granting the benefit and rejecting his claim is exfacie illegal.

5. Learned standing counsel submits that promotion policy is notified in G.O.O. No. 561/CGM (HR)/2006 dated 8.3.2007. There are three channels created above Junior Plant Attendant and each one is a

separate branch. Claim of petitioner relates to channel No.III. In channel No.III, a person is eligible to seek promotion as Operator Grade II (Loco) only if he is working on loco alone and not otherwise. Petitioner never worked in loco, therefore not eligible to be considered for promotion. Petitioner was appointed by transfer as loco shunter but as loco shunter he never worked on locomotive side. Petitioner was working as shunter in stream/channel I. Work of loco operator and shunter are quite different. Shunter would only give signals to the loco operators and works in attaching and detaching the wagons whereas loco operator takes the job of loco and maintenance of loco.

6. Learned standing counsel further contends that at the time of appointing petitioner as loco shunter, it was clearly stated that such appointment is confined to separate cadre in Stream I alone and would not be allowed to interchange from one stream to another and therefore cannot claim promotion in stream III.

7. It is seen from promotion policy, there are three separate channels created and each channel is independent of other two. As per the tabulated statement under channel/Stream III, a person aspiring for promotion to Operator Loco III must work in loco alone. It is categorical assertion of respondents that petitioner never worked in loco. In paragraph 6 of G.O.O. 561 dated 8.3.2007 it is stated that once JPA is appointed to a post in a stream, his seniority would be confined to the concerned stream only and would not be allowed to interchange from one stream to another stream. It is asserted by respondents that petitioner never worked on loco but he was only undertaking job of giving signals to loco operator for attaching and detaching wagons. Further, while appointing petitioner vide memo dated 11.8.2010 as loco shunter certain conditions are imposed. According to condition No. D, petitioner was informed that his seniority would be confined to **'Separate Cadre in Stream I alone'** and would not be allowed to interchange from one

stream to another. Petitioner accepted the said condition and has been working in the post of loco shunter continuously. As noted above, according to qualifications prescribed for Channel/Stream III, person must work in loco and as per promotion policy notified in G O O 561 promotion is confined to respective streams only. As petitioner is working in stream I consequent to the order issued on 11.8.2010, petitioner cannot claim promotion in stream III which is independent unit for consideration for promotion.

8. In the order impugned respondents have informed petitioner that nature of duties and eligibility of Sri T Srinivasulu and Sri M Ramanjaneyulu are different from nature of duties assigned to petitioner and therefore they cannot be compared. Even assuming that promotion granted to those two persons was erroneous, it cannot automatically result in granting relief to petitioner more particularly when promotion policy prescribed water tight promotion channels and person working in Channel I is not eligible to be considered in Channel III. Thus, decision of respondents in not granting promotion to petitioner cannot be called as erroneous or illegal warranting interference by this Court.

9. The writ petition fails and accordingly the same is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending are closed.

P NAVEEN RAO,J

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