

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.36787 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus directing the respondents, more particularly respondent No.1 to consider the representations, dated 03.03.2017, 30.01.2018 and 03.10.2018 made by the petitioner for appointment by transfer as Additional Assistant Engineer (Civil/Mechanical) by taking into consideration his qualifications and also the service rendered by him as in charge Additional Assistant Engineer from 07.01.2016 within 4 weeks and to further declare the action of the respondent No.1 in not considering the representations, dated 03.03.2017, 30.01.2018 and 03.10.2018 made by the petitioner for appointment by transfer as Additional Assistant Engineer (Civil/Mechanical) by taking into consideration his qualifications and also the service rendered by him as in charge Additional Assistant Engineer from 07.01.2016, is nothing but unjustified, arbitrary and contrary to the APSEB Service Regulations.

2. Heard Sri V.Ravi Kiran Rao, learned counsel for petitioner and Sri R.Vinod Reddy, learned standing counsel for the respondents.

3. It has been contended by the learned counsel for the petitioner that the petitioner was appointed as Lower Division Clerk in the respondents Distribution Company during April, 2000. Thereafter, the petitioner has acquired qualification of diploma course in Mechanical Engineering i.e., IME course and he became fully eligible and qualified for recruitment by transfer to the post of Assistant Engineer. In

fact, the respondents have kept the petitioner as in charge Additional Assistant Engineer on 07.01.2016 and presently the petitioner is working as in charge Additional Assistant Engineer. The petitioner has submitted representations on 03.03.2017, 30.01.2018 and 03.10.2018 to the respondents to consider his case for appointment by transfer as Additional Assistant Engineer (Civil/Mechanical), but the respondents have not considered the representations. In those set of circumstances of the case, the present writ petition is filed. It is further submitted that ends of justice would be met if appropriate direction is given to the respondents to consider the representations of the petitioner stated supra and pass appropriate orders.

4. Learned standing counsel for respondents had not disputed the above said facts and contends that the case of the petitioner will be considered in accordance with rules for appointment by transfer.

5. In view of the submission made by the learned standing counsel for respondents, this Court is of the considered view that the writ petition can be disposed of directing the respondents to consider the representations of the petitioner, dated 03.03.2017, 30.01.2018 and 03.10.2018 and pass appropriate orders within a period of 4 weeks from the date of receipt of a copy of this order.

6. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 11-10-2018

Hsd

