

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5065 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the order of the 2nd respondent dated 17.10.2001 rejecting the claim of the petitioner for appointment to the post of Sweeper/Woman Mazdoor as illegal and arbitrary. A consequential direction is also sought to the 2nd respondent to appoint the petitioner as Sweeper/Woman Mazdoor with all consequential benefits.

Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioner, and Ms. A. Deepthi, learned standing counsel for the respondents.

It has been contended by the petitioner that she was appointed as casual labour during 1980-1981 and put in 300 man-days. From 1991-1994, she was once again appointed as contract labour. While she was working as such, the respondents had issued B.P.Ms.No.36 dated 18.05.1997 taking a policy decision to absorb the persons who were working on casual basis/contract basis against the permanent vacancies. Pursuant to which, she submitted a representation to the respondents, but her case was not considered. Questioning the same, she filed W.P.No.17764 of 2001 and this Court disposed of the said writ petition on 27.08.2001 directing the respondents to consider the representation submitted by her. Thereafter, her case was considered and she was interviewed on 30.01.1999, but her case was rejected vide

orders dated 17.10.2001. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the petitioner had submitted the proof of her working on casual basis as well as on contract basis and in spite of the same, the respondents rejected her case on the ground that she has not submitted any proof at the time of interview and, therefore, the respondents may be directed to absorb the petitioner into service.

On the other hand, learned standing counsel for the respondents has contended that B.P.Ms.No.36 dated 18.05.1997 was withdrawn by the respondents during the year 2006 and as on today there are no vacancies. Therefore, the question of considering the case of the petitioner at this point of time would not arise. Apart from that, in pursuance of the orders of this Court in W.P.No.17764 of 2001 dated 27.08.2001, the case of the petitioner was considered and her case was rejected by way of a speaking order. It is also contended that no illegality has been committed by the respondents in rejecting the case of the petitioner. Therefore, the writ petition is liable to be dismissed.

This Court having considered the rival submissions made by the learned counsel on either side is of the considered view that in pursuance of the orders of this Court in W.P.No.17764 of 2001 dated 27.08.2001, the case of the petitioner was considered and her case was rejected by way of a reasoned order. Therefore, this Court cannot interfere with the rejection orders and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

30th October, 2018
cbs



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Writ Petition No. 5065 of 2002
(dismissed)

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