

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**  
**WRIT PETITION No. 44021 OF 2018**

**ORDER :**

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring that the petitioner is entitled for absorption under the control of respondents-Corporation as he has rendered more than 10 years of service as Sub Staff, declaring that he is unjustly prevented from applying for the post, pursuant to the Notification dated 20.5.2011 by not issuing Service Certificate and declaring the action of the respondents in not absorbing the petitioner into the corporation though the petitioner has rendered more than 5 years of service, in terms of judgment in CA Nos.953-968 of 2005 and in denying the issue of Service Certificate as illegal, arbitrary.

2. Heard Mr.Ramgopal Rao, Counsel for the petitioner and Mr.Bathula Rajkiran, Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was initially appointed as Sub Staff with the respondents on 1.4.2000. Initially, the petitioner was paid consolidated Pay of Rs.700/- P.M. The Counsel for the petitioner submits that after rendering 10 years of service, the service of the petitioner was disengaged. The Counsel for the petitioner further submits that the respondents have issued a Notification on 20.5.2011, inviting applications for the post of Sub Staff, who have completed five years of service and he had applied in pursuance of the said notification. But his case could not be considered because the respondents have not issued Service Certificate to the petitioner in pursuance to the said notification. On coming to know that there are several vacancies with the respondents, the petitioner has been

requesting the respondents- Corporation through representation dated 16.4.2018 to consider his case in any of the existing vacancies. But, so far, the respondents-Corporation has not passed any orders on the said representation. Therefore, the respondents-Corporation may be directed to consider the representation dated 16.4.2018 and pass appropriate orders in accordance with rules.

4. The Standing Counsel appearing for the respondents contends that as one time measure, the respondent-Corporation have issued notification to fill up the posts of Sub-Staff during 2011. Since the petitioner's case could not come up within the zone of selection, the case of the petitioner was not considered and the petitioner is not entitled for absorption. There are no merits in this Writ Petition and the Writ Petition is liable to be dismissed.

5. This Court, having considered the rival submissions made by both the parties is of the considered view that this Writ Petition can be disposed of directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to consider the representation of the petitioner dated 16.04.2018 and also consider the case of the petitioner for engaging him on temporary basis, in accordance with rules and pass appropriate orders within a period four weeks from the date of receipt of a copy of this order.

6. With this observation, Writ Petition is disposed of.

7. The Miscellaneous Petitions pending, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

6<sup>th</sup> December, 2018

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