

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.44379 OF 2018

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus calling for the records relating to issuance of letter dated 4.11.2015 as well as proceedings dated 13.10.2016 on the file of the 2nd respondent; to set aside both the said orders by declaring them as arbitrary, illegal, violative of principles of natural justice and contrary to law, and consequently, to direct respondents Nos.1 & 2 to re-allot the petitioner to Tirupathi for posting in any suitable office and also to direct the official respondents to pay salary to him for the period, he was kept out of employment i.e., from 16.11.2015 till the date of his posting with all other consequential benefits.

2. Heard Sri V. Jagapathi, learned Counsel for the petitioner and Sri B. Rajeshwar Reddy, learned Standing Counsel for the official respondents.

3. It is the case of the petitioner that he was engaged in TTD service from 16.1.2010 as typist (Computer operator) on contract basis after undergoing regular selection process. But only the nomenclature used is contract for the

purpose of denying benefits to the petitioner. The petitioner was posted at Tirupathi. The services of the petitioner were withdrawn from the office of the District Audit Officer, TTDs, Tirupathi and he was posted temporarily to the office of Assistant Executive Officer (KKC), Tirumala, as one of the out sourcing employees of KKC (TTD) Tirumala was not attending duties due to ill health vide proceedings dated 10.12.2014. The petitioner jointed at KKC in the office of the Assistant Executive Officer in pursuance to the order dated 10.12.2014. While he was discharging his duties at Tirumala, he submitted a representation requesting the official respondents to re-allot him to Tirupathi as he is not in a position to discharge his duties at Tirumala owing to his ill-health. The petitioner also enclosed medical certificate to the effect that he is suffering from Cerebral Venous Thrombosis with Vertibro Basilar Insufficiency and therefore, he was advised by the medical officer not to undertake journey. Instead of accommodating the petitioner at Tirupathi, the official respondents vide proceedings dated 4.11.2015 discontinued the services of the petitioner. Challenging the same, the petitioner filed W.P.No.20762 of 2016 and this Court disposed of the said writ petition directing the 1st respondent to consider the

representation of the petitioner dated 16.11.2015 and dispose of the same in accordance with law within three months. In pursuance of the same, the official respondents considered the case of the petitioner and rejected his case vide order dated 13.10.2016 on the ground that the petitioner cannot compel the official respondents to re-engage him as outsourcing typist, and if at all he wants to continue to work as outsourcing typist, he has to approach M/s Hayagreeva Welfare Society who in turn will provide job for him. Further, it was stated in the order dated 13.10.2016 that if the representation is considered and reengaged it will become a precedent and give a scope for good number of outsourcing workers to follow suit and therefore, the representation of the petitioner dated 16.11.2015 cannot be considered and accordingly, the same was rejected. Challenging the same, the present writ petition is filed.

4. The learned Counsel for the petitioner contended that the official respondents have mechanically rejected the case of the petitioner for reengaging him as outsourcing typist, and no cogent reasons were given in the rejection order, and admittedly, there are many vacancies and this

particular fact was not taken into account while considering the representation of the petitioner.

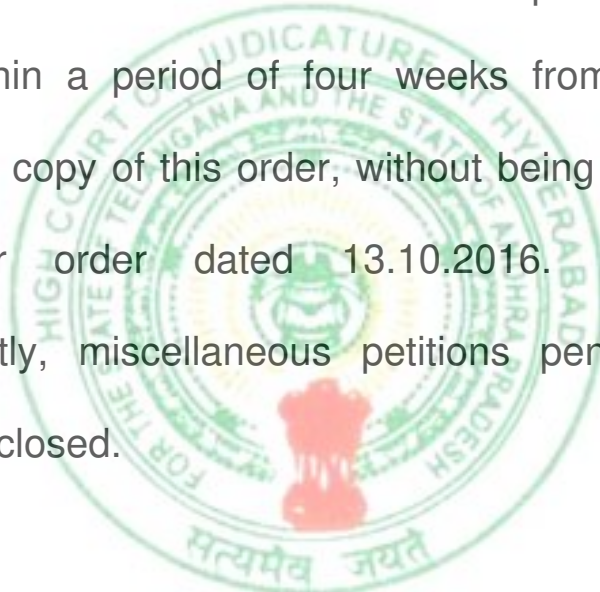
5. The learned Standing Counsel for the official respondents contended that the petitioner was never engaged by TTD and he was engaged through a welfare society and that the petitioner's services were disengaged when he refused to obey the orders issued by the official respondents and that the official respondents have not committed any illegality in rejecting the case of the petitioner and that there are no merits in this writ petition.

6. This Court having considered the rival submissions made by the parties is of the view that the official respondents have not considered the case of the petitioner in accordance with the directions given by this Court in W.P.No.20762/2016 dated 28.6.2016. The official respondents ought to have considered the case of the petitioner objectively by taking into account the existing vacancies of typist posts with the official respondents.

7. The learned Counsel for the petitioner submitted that the petitioner submitted a representation to the official respondents on 24.11.2018, but the said representation

has not been disposed of so far. In view of the said submission, this Court is of the view that ends of justice would be met if this writ petition is disposed of directing the official respondents to consider the representation of the petitioner dated 24.11.2018.

8. Accordingly, the Writ Petition is disposed of directing the official respondents to consider the representation of the petitioner dated 24.11.2018 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, without being influenced by the earlier order dated 13.10.2016. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 6th December, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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6/12/2018

Nn.