

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45671 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring impugned action of the respondents in not awarding 10 marks against service weightage in favour of the petitioner, consequently direct the respondents to conduct verification as to service rendered by the petitioner from 10.04.2008 to 15.7.2009 as contract labour through contractor M/s. GJF Construction Company Limited, at Stage IV of Dr.Narla Tata Rao Thermal Power Station (Dr.NTTPS), with reference to Letter No.Lr.No.CEE/O&M/Dr.NTTPS/Anm/C.5/F RTI 517/D.No.2370/16, dated 31.10.2016, issued by the 4th respondent with further directions to the respondents 1 to 3 to consider the case of the petitioner for selection to the post of Junior Plant Attendant in the existing vacancies by awarding service weightage 10 marks on the basis of verification, in the interest of justice and pass such other order or orders as this Hon'ble Court deems fit just and proper in the circumstances of the case.”

Heard Sri G.V.Shivaji, learned counsel appearing for the petitioner and Smt K.Aruna, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that he worked under a contractor since 10-04-2008 to 15.07.2009. The respondents have issued a notification to fill up the post of Junior Plant Attendant and in the said notification certain weightage was given to the persons, who have rendered service under a Contractor. When the respondents have not properly calculated the services of the petitioner, he orally represented

the respondents. The 4th respondent-Superintending Engineer had verified the service particulars of the petitioner, rectified the said error and confirmed the service particulars of the petitioner vide letter dated 31.10.2016 stating that he is entitled to 10 weightage marks. But, so far, no action has been taken by the respondents.

Learned counsel appearing for the petitioner submits that the petitioner has orally represented the respondents, but the respondents have not considered his case and that appropriate orders be passed directing the respondents to consider his case for appointment to the post of Junior Plant Attendant by duly taking into consideration the letter dated 31.10.2016 issued by the 4th respondent.

Learned Standing Counsel appearing for the respondents submits that notification was issued way back in 2012 and the posts were filled up and hence, the question of considering the case of the petitioner at this belated stage does not arise. There are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation to the respondents.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondents within one week from the date of receipt of a copy of this order and on receipt of such representation, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

15th December, 2018
rkk

JUSTICE ABHINAND KUMAR SHAVILI

