

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1506 of 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order or direction, especially one in the nature of Writ of Mandamus:

(i) declare the action of the respondents in not considering the petitioners for being appointed as Sub Station Operators / Artisans on regular basis, as illegal and arbitrary;

(ii) consequently direct the respondents to appoint the petitioners as Sub Station Operators /Artisans on regular basis;

(iii) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri K.Vasudeva Reddy, learned counsel appearing for the petitioners and Sri Zakir Ali Danish, learned Standing Counsel appearing for the respondents.

It is the case of the petitioners that they have worked from 2011 to 2012 in the respondent-Company, on contract basis. Thereafter, without assigning any reasons, the respondents have terminated their services. They have submitted series of representations to the respondents to consider their cases for appointment on contract basis, but no action has been taken by the respondents so far.

Learned counsel appearing for the petitioners submits that some of the persons, who were appointed along with the petitioners, were absorbed as regular Sub Station Operators;

that the registered trade union raised a demand to reinstate the petitioners into service, based on which, the Superintending Engineer had recommended the cases of the petitioners to the Chief General Manager for re-induction into service as Sub Station Operators; that so far, the Chief General Manager has not passed any orders on the recommendation made by the Superintending Engineer; that the petitioners have submitted a detailed representation to the Chairman & Managing Director, TSTRANSCO, on 6.12.2018, but so far no orders have been passed thereon; and that appropriate orders be passed directing the respondents to consider the cases of the petitioners.

Learned Standing Counsel appearing for the respondents contends that a committee was constituted to assess the suitability and eligibility of the persons, who were working on contract basis; that based on the recommendations of the committee, some of the persons, who were working on contract basis were absorbed as Sub Station Operators; that since the names of the petitioners were not recommended by the committee, their cases were not considered; that the petitioners have not submitted any representation to the 1st respondent; that in fact, a representation was made to the Chairman and Managing

Director of TSTRANSCO, which is not the competent authority; and that 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 view that ends of justice would be met if a direction is given to the petitioners to submit a representation afresh to the 1st respondent.

Accordingly, the Writ Petition is disposed of directing the petitioners to submit a representation afresh to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 1st respondent shall consider the same and pass appropriate orders, in accordance with law, within a period of six weeks thereafter. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th January, 2019
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