

High Court for the State of Telangana

The Hon'ble The Acting Chief Justice Raghvendra Singh

Chauhan

and

The Hon'ble Sri Justice A.Rajasheker Reddy

W.A. No.168 of 2019

Date: 12-04-2019

Between:

K. Chandra Shekar Rao and another

...Appellants

and

**The State of telangana
Rep. by its Principal Secretary
Energy Department, Secretariat
Hyderabad and 4 others**

...Respondents

Counsel for the appellants: Mr. P. Giri Krishna

Counsel for the respondent Nos.2 to 4: Mr. Zakir Ali Danish, SC for TSNPDCL

The Court made the following:

Judgment: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

The appellants have challenged the legality of order dated 20-02-2019, passed by a learned Single Judge, in W.P. No. 3175 of 2019.

By the aforesaid order, the learned Single Judge had directed the respondents to consider the representations filed by the appellants and Mr. Netha Salamon Raj, the writ petitioners, on 05-02-2019, and to pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of the said order.

Briefly, the facts of the case are that the appellants were working as Assistant Linemen in Huzurabad division. However, subsequent to the creation of the new districts, the Huzurabad division was made as a part and parcel of the Karimnagar District, carving out a separate Jagityal District. According to the appellants, they had submitted representations to the respondent No.3, Divisional Engineer Electrical, on 05-02-2019, requesting that they should be transferred from Huzurabad division to the Karimnagar Division. But, no action was taken on the said

representations. Therefore, the appellants were constrained to file a writ petition before the learned Single Judge. As mentioned above, by the impugned order, the learned Single Judge had merely directed the respondents to consider the appellants' representations dated 05-02-2019.

A bare perusal of the facts mentioned, herein above, would clearly reveal that, in fact, the learned Single Judge had passed an order in favour of the appellants, as the respondents were directed to consider their representations. The present appeal filed by the appellants is highly misplaced, as the impugned order does not adversely affect their interests. It merely directs the respondents to consider the representations within a stipulated period of time.

The learned counsel for the appellants submits that a mis-statement of fact was made by the respondents before the learned Single Judge that "*no option was given by the appellants, writ petitioners*". The fact that a mis-statement was made is amply clear, as, in the counter filed by the respondents, they have admitted that, indeed, an option had been given by the appellants.

But even the said contention does not reveal any illegality or perversity in the impugned order. For, the appellants would be free to point out to the respondents that they had submitted their options. Even if there is any difficulty in consideration of the options, the controversy can be thrashed out between the appellants and the respondents while considering the representations dated 05-02-2019.

Once a representation is under consideration, there are only two options left to the respondents, namely, either to accept the representation, or to reject it. In the former situation, the appellants cannot be aggrieved. In the latter situation, the appellants would be free to challenge the rejection of their representations.

Although the learned counsel for the appellants pleads that the appellants are so poor that they are not able to file a writ petition, the said argument ignores the fact that the Legal Services Authority is duty bound to appoint a lawyer in favour of the appellants, if they choose to challenge the rejection of their representations. Hence, even the said plea is untenable.

For the reasons stated above, this Court does not find any merit in the present appeal. It is, hereby, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, ACJ)

(A.Rajasheker Reddy, J)

Dt: 12th April, 2019
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