

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13563 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

This Writ Petition is filed for the following relief:

“.....to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus a to declare the action of the respondents in issuing the impugned orders vide N.O.O (CGM-HRD).Ms.No.138 Dated:26/06/2019 for divert the Executive Engineer Civil Post to corporate office at Warangal with an intention to bypass the power and authority of Executive Engineer (Civil) without taking prior permission from the Government and to in vain the cadre post of the Executive Engineer (Civil) in the hierarchy of Telangana State Northern Power Distribution Company Limited as illegal, arbitrary and unconstitutional and contrary to regulations and G.O.Ms.No.76 dated 06-05-2017.

(b) to declare the action of the respondents in passing the board resolution dated 14/05/2019 passed by the Telangana State Northern Power Distribution Company Limited is nothing but contrary to the intention of the Government to create the cadre post of the Executive Engineer (Civil) in the hierarchy of Telanga State Northern Power Distribution Company Limited for the purpose of fair administration and smooth function of day to day Civil works in the operation and construction field for providing uninterrupted power supply to all sectors as is illegal arbitrary unconstitutional and contrary to regulations and G.O.Ms.No.76 Dated 06/05/2017 and;

(c) Consequently, declare that the petitioner is entitled to continue in the present cadre designation and place of working with same powers and authority as Executive Engineer (Civil) in the hierarchy of Telangana State Northern Power Distribution Company

Limited for the purpose of fair administration and smooth function of day to day Civil works in the operation field for providing uninterrupted power supply by set-a-side the impugned orders vide N.O.O (CGM-HRD) Ms.No.138, Dated 26/06/2019 and also board resolution dated 14/05/2019 passed by the Telangana State Northern Power Distribution Company Limited;.....”

Heard Sri A.V.V.S.Bhujanga Rao, learned counsel for the petitioner and Sri Zakir Ali Danish, learned Standing counsel for Telangana State Northern Power Distribution Company Limited (TSNPDCL).

It has been contended by the petitioner that the State Government vide G.O.Ms.No.76 dated 06.05.2017 accorded sanction for creation of 13357 posts in various categories at the ground level and in pursuance to the creation of new posts as per the said G.O., the petitioner was promoted from Assistant Executive Engineer to the post of Executive Engineer at ground level and posted to Karimnagar Circle vide order dated 15.07.2017. While so, the respondents on 14.05.2019 passed a Board Resolution diverting the Executive Engineers (Civil) to the Corporate Office, by which the petitioner was directed to discharge his duties at Corporate Office vide proceedings dated 26.06.2019. The petitioner further contends that the diversion of Executive Engineers from ground level to Corporate Office, without taking prior permission from the Government is illegal and also contrary to G.O.Ms.No.76 dated 06.05.2017, therefore, the Board Resolution as well as consequential proceedings

dated 14.05.2019 and 26.06.2019 respectively are liable to be set aside.

Learned counsel for the petitioner contends that the Government vide G.O.Ms.No.76 dated 06.05.2017 accorded sanction to new posts at ground level to ensure smooth functioning and uninterrupted power supply to all sectors but contrary to the said G.O., the respondents have issued proceedings dated 26.06.2019 transferring the petitioner who is working as Executive Engineer at ground level to work at Corporate Office, basing on the Board Resolution dated 14.05.2019. As such the Board Resolution dated 14.05.2019 and consequential proceedings dated 26.06.2019 are liable to be set aside. He further contends that appropriate orders be passed in the writ petition allowing the petitioner to continue at ground level as Executive Engineer where the petitioner is presently working.

Learned Standing counsel for respondents contends that it is prerogative of the respondents to post any employee wherever there is a need in order to meet the exigencies of work. Hence, the petitioner being an employee has no locus to challenge the posting of employees and must work wherever directed by the respondents. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having regard to the rival submissions made by the parties, is of the considered view that the respondents have passed a Board Resolution on 14.05.2019 directing some

of Executive Engineers to discharge their duties at Corporate Office instead of working at ground level and being an employer, it is for the respondents to post the employees wherever there is exigency of work. Therefore, the petitioner has no locus to challenge the policy decision of the respondents and he is bound to work wherever he is posted in accordance with the Service Rules. Moreover, the petitioner could not demonstrate as to what prejudice would be caused to him if he is asked to work at Corporate Office instead of working at ground level.

In view of the above, this Court is not inclined to interfere with the impugned orders dated 14.05.2019 and 26.06.2019 and there are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

04.07.2019
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