

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.14304 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue any appropriate writ, order or direction one particularly one in the nature writ of mandamus declaring the action of the respondents in not appointing the Petitioners as the Junior Line Man pursuant to the Notification dated 06/ 06/ 2006 and the Revised Notification dated 20/ 10/ 2006 in terms of the undertaking recorded in the order dated 10/ 11/ 2011 in W.A.No.1434/ 2008 and Batch, which was reiterated in the order dated 25/ 02/ 2019 in SLP (C) No.15001-15110 of 2013 by considering the Representation dated 06/ 03/ 2019 and the Legal Notice dated 20/ 04/ 2019 as arbitrary, illegal and violative of Articles 14 16 and 21 of the Constitution of India and Consequently direct the Respondents to appoint the petitioners as Junior Line Man on par with others with all consequential benefits....”

Heard Mr.Chandraiah Sunkara, the learned counsel for petitioners and Sri R.Vinod Reddy, the learned Standing Counsel for the respondents.

It has been contended by the petitioners that they were appointed on contract basis with the respondents during 2002-05 and all of them were working as on the date of Notification dated 06.06.2006.

Learned counsel for the petitioners submits that the respondents have given undertaking that they would consider the cases of all contract employees whose cases could not be considered in terms of Clause (6) (iv) (c) of the revised notification, before the Division Bench in W.A.No.1434 of 2008 dated 10.11.2011 and also before the Hon'ble Supreme Court in SLP (Civil) No.15001-15110 of 2013 dated 25.02.2019. Therefore, in view of the

undertaking given by the respondents before the Division Bench as well the Hon'ble Supreme Court, the respondents are bound to consider the cases of petitioners. As per Clause (6) (iv) (c) of the revised notification, if more than one contract labour apply for the post, the contract labour with earlier date of birth will be given preference for selection.

Learned counsel for the petitioners submits that the cases of the petitioners could not be considered on the ground that persons in older age were given preference and the petitioners were younger in age than to the older contract labour. The respondents have given undertaking before the Division Bench of this Court as well as the Hon'ble Supreme Court that they would consider the cases of persons, who could not be selected in terms of Clause (6) (iv) (c) of the revised notification. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for appointment to the post of Junior Lineman and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents has submitted that the respondents would consider the cases of petitioners individually as to whether they were denied employment as Junior Lineman only on the ground of Clause (6) (iv) (c) of the revised notification and appropriate orders would be passed and the cases of the petitioners would be considered for appointment in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the

petitioners to submit individual representations to the Chief General Manager (HRD) to consider their cases for appointment as Junior Lineman in terms of the undertaking given by the respondents before the Division Bench as well as the Hon'ble Supreme Court in W.A.No.1434 of 2008 dated 10.11.2011 and SLP (Civil) No.15001-15110 of 2013 dated 25.02.2019, within two weeks from the date of receipt of a copy of this order. Upon such representations being received, the respondents shall examine individual cases and if the petitioners were denied appointment in terms of Clause (6) (iv) (c) of the revised notification, the respondents shall consider the cases of petitioners for appointment to the post of Junior Lineman and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-08-2019
Prv

