

High Court for the State of Telangana

**THE HONOURABLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

Writ Appeal Nos.685 & 693 of 2019

Date: 09.09.2019

Between:

K.Rama Krishna

... Appellant

... and

State of Telangana,
Rep. by its Special Chief Secretary (Energy Department),
Secretariat, Hyderabad and 4 others

... Respondents

Counsel for the appellant
in both the writ appeals

: Mrs.S.Nanda

Counsel for the respondent No.1

: GP for Energy

Counsel for the respondent Nos.2 to 5

: Mrs.K.Udaya Sri

The Court made the following:

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

Since both these appeals arise out of the same impugned order, namely order dated 28.06.2019, passed by a learned Single Judge in W.P.No.16692 of 2015 and W.P.No.9963 of 2018, whereby the learned Single Judge has dismissed both the writ petitions, they are being decided by this common judgment.

2. The facts are being taken from W.A.No.685 of 2019 filed against W.P.No.16692 of 2015.

3. Briefly the facts of the case are that petitioner, Mr. K.Ramakrishna, claims that he is an ITI Electrician (EEE) Diploma holder, and has been working as Sub-Engineer/Electrical in Kakatiya Thermal Power Project of APGENCO, Chelpur, Warangal District, on contract basis. In 2011, the respondents issued a notification calling for applications for the post of Junior Plant Attendant. According to the notification, there were 1086 vacancies for the said post. According to the petitioner, despite the fact that he applied for the said post, he was given neither five marks as "weightage marks" for having worked for six months with the respondents, nor given ten marks as "weightage marks" for having worked with the respondents for a period of more than six months. Therefore, the petitioner had filed a representation before the respondents for considering his case for granting the benefit of "weightage marks". However, the said representation dated 06.11.2013 fell on deaf ears. Therefore, the petitioner was constrained to file writ petition before this Court, namely, W.P.No.3413 of 2014. By order dated 07.02.2014, a learned Single Judge directed the respondents to consider his representation

dated 06.11.2013, and to pass orders as expeditiously as possible in accordance with law. However, the said representation was rejected by order dated 29.03.2014. Therefore, the petitioner filed the present writ petition, namely, W.P.No.16692 of 2015 challenging the same before the learned Single Judge. By the impugned order dated 28.06.2019, the learned Single Judge, as mentioned hereinabove, has dismissed the writ petition. Hence, these writ appeals before this Court.

4. The learned counsel for the appellant submits that the finding given by the learned Single Judge that “the appellant has not produced any gate pass or annual account slip of EPF” is belied by the fact that on 11.07.2012, the appellant had brought gate passes to the notice of the Chief General Manager (HR), APGENCO by his letter dated 11.07.2012. Similarly, by letter 18.06.2012, the appellant had brought the gate passes to the notice of the Managing Director, APGENCO. Hence, the learned Single Judge is unjustified in saying that “no gate passes were produced by the appellant”. Hence, the impugned order deserves to be set aside by this Court.

5. Heard the learned counsel for the appellant and perused the impugned order.

6. A bare perusal of the impugned order clearly reveals that admittedly while submitting the online application for the post of Junior Plant Attendant, the appellant had clearly answered the query, whether he is working with the APGENCO, in the negative. Moreover, the appellant did not file any copy of the gate pass along with the application. Furthermore, even while filing the writ

petition before the learned Single Judge, the appellant did not file any copy of the gate pass. According to the notification, in order to prove the fact that a candidate had, indeed, worked for less than six months, he/she was required to submit a single gate pass. If a single gate pass were submitted with the application, the candidate would be entitled to receive five marks as “weightage marks”. Moreover, in case the candidate has worked for more than six months, he/she was required to submit copies of seven gate passes. In such case, the candidate would be entitled to receive ten marks as “weightage marks”. However, according to the learned Single Judge, the appellant neither submitted copy of a single gate pass nor copies of seven gate passes. Hence, the appellant was not entitled to receive either five marks, or ten marks as “weightage marks”.

7. Merely because such gate passes may have been submitted before the employer, would not fulfill the requirement of notification. For, these gate passes were to be submitted along with the online application. Therefore, the learned counsel for the appellant is unjustified in claiming that since these gate passes were already submitted with the APGENCO, there was no need for the petitioner to submit them along with the online application.

8. Moreover, the learned Single Judge has also noticed that a copy of the gate pass was not even submitted by the petitioner before the Court. Therefore, there is lack of evidence to establish the fact that the appellant has either worked for less than six months, or more than six months with the APGENCO. Due to the lack of cogent and convincing evidence, the learned Single Judge

was certainly justified in concluding that the appellant has failed to establish his case. Hence, the learned Single Judge was legally justified in dismissing the writ petition.

9. As far as W.A.No.693 of 2019, filed against the order passed in W.P.No.9963 of 2018, is concerned, suffice it to say that the learned Single Judge has noticed the fact that the petitioner in the said writ petition could not qualify for the said post. According to the respondents, the petitioner had secured only 51.63 marks, whereas the cut off point for the Nizamabad-Pochampally Project was 53.17 marks. Since the petitioner had failed to submit the gate passes, again he was not entitled to receive the benefit of either five marks, or ten marks as “weightage marks”. Therefore, the learned Single Judge was equally justified in dismissing the writ petition.

10. For the aforesaid reasons, this Court does not find any merit in the writ appeals and they are hereby dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A.ABHISHEK REDDY, J)

09th September, 2019

Lrkm/Sur