

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.228 of 2012

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not considering the case of the petitioners for being appointed as NMRs in casual or regular vacancies in the respondent Department and filling the same with outsiders, as arbitrary, illegal and violative of principles of natural justice and consequently direct the respondents to consider the case of the petitioners on priority basis for appointing them as NMRs/Man Majdoors in the existing or future vacancies in the 3rd respondent Circle.

Heard Sri Sreenivasa Rao Velivela, learned counsel for the petitioners, and learned Government Pleader for Irrigation & CAD.

It is the case of the petitioners that earlier they worked under the control of 4th respondent and later their services were not continued. Now, the grievance of the petitioners is that the respondents are not considering their cases and in terms of Section 25 of the Industrial Disputes Act if the respondents make any appointment to the post of NMR/Man Mazdoor, preference should be given to the petitioners.

Learned counsel for the petitioners submits that this Court vide orders dated 22.06.2012 was pleased to grant interim direction to consider the case of the petitioners on priority basis for appointment to the post of Luskars in the

existing or in future vacancies in the 3rd respondent circle as per law and to pass appropriate orders. Learned counsel further submits that it would be suffice, if the interim orders passed by this Court on 22.06.2012 are made absolute.

Learned Government Pleader contends that in the counter affidavit, they took a specific plea that earlier the petitioners were appointed on daily wage basis and later they were retrenched. However, he submits that as and when the respondents fill up the posts of NMRs, the cases of the petitioners would be considered by giving preference.

Having considered the rival submissions, this writ petition is disposed of directing the respondents to consider the cases of the petitioners on priority basis while making appointments to the post of NMR workers or Luskars either in the existing or in future vacancies in the 3rd respondent Circle.

As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. No orders as to costs.

ABHINAND KUMAR SHAVILI, J

28.08.2019.
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