

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 18741 of 2019

Date : 28.8.2019

Between:

BRMM Krishna S/o Purshotham Sastry
aged about 57 years R/o 9154 Bank Colony Gattaiahguddem
Palvoncha post and Mandal Bhadradi Kothagudem District
Previously under Khammam District

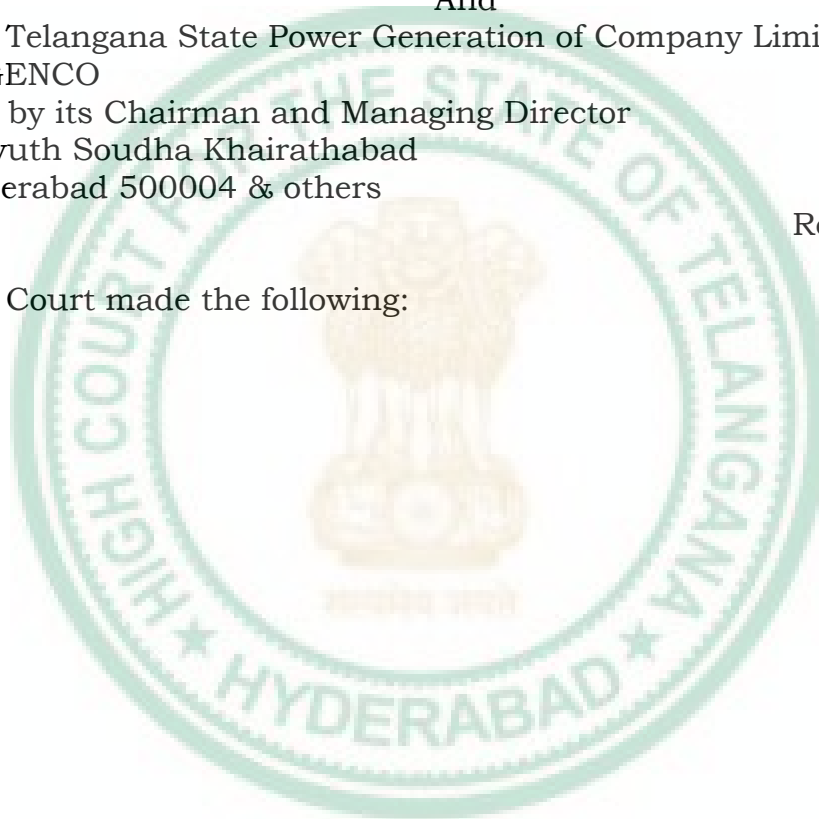
Petitioner

And

The Telangana State Power Generation of Company Limited
TSGENCO
Rep by its Chairman and Managing Director
Vidyuth Soudha Khairathabad
Hyderabad 500004 & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned standing counsel for respondents.

2. Petitioner claims that he possesses the qualification of B.Sc and passed Typewriting lower grade by the time he joined as contract labour in the year 1984. As per the scheme formulated by the then APSEB in B.P.Ms.No.36 and 37 dated 18.5.1997, his claim for absorption was rejected compelling him along with others to institute I.D No.105 of 2002 on the file of the Industrial Tribunal cum Labour Court at Warangal. Award was passed and pursuant to award petitioner was appointed as Mazdoor on 16.10.2001. Later, he was promoted as Junior Plant Attendant on 25.10.2008 and Plant Attendant on 3.3.2016. Petitioner now claims that in view of the qualifications he possesses, he ought to have been appointed as Junior Assistant or in any other post of equivalent rank instead of Mazdoor. He alleges that several persons who have similar qualifications, were appointed as Junior Assistants and have earned further promotions and working in far higher cadres, whereas, he was treated differently and discriminated by giving him employment as Mazdoor and still he is working as Plant Attendant only. Therefore, petitioner claims to have submitted representations on 2.2.2018 and 14.8.2019. Representation dated 14.8.2019 seems to have been acknowledged by office of Chief General Manager. Alleging inaction on said representations, this writ petition is filed.

3. As briefly noted above, the facts would disclose that petitioner accepted employment given to him as Mazdoor on 16.10.2001, earned further promotions based on such employment and after more than 18 years, he cannot now turn around and say that he should have been appointed as Junior Assistant on the ground that he possess the qualifications required to hold the post of Junior Assistant. No such manner of right vests in petitioner to claim appointment merely because he possess higher qualification and even assuming that he has a right, he cannot challenge the action of respondents in appointing him as Mazdoor after 18 years and claim retrospective appointment to higher post and benefits thereon, which automatically would affect the conditions of service of several others, who were appointed and secured further promotions. As no manner of right vests in petitioner, Court is not inclined to direct the respondents to consider the representations stated to have been submitted by the petitioner. Accordingly, writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

DATE: 28-8-2019
TVK

P NAVEEN RAO,J

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