

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20354 OF 2019

Date: 26.09.2019

Between:

Amaraneni Vijaybabu S/o.Bhujanga Rao,
Aged about 42 yrs, Occu : Artisan Grade-II,
O/o.A.E. (Operations), Mellacheruvu Section,
Huzurnagar Division, Suryapet District & another.

.....Petitioners

And

The Telangana State Southern Power Distribution
Company Limited, rep., by its Chairman & Managing Director,
Mint Compound, Near Secretariate, Hyderabad & others

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.20354 OF 2019****ORDER:**

Heard learned counsel for the petitioners and learned Standing counsel for the respondents.

2. Petitioners were contract labour and participated in the selections conducted by respondent-Company for regular employment.

3. Learned counsel for the petitioners submits that in W.A.No.1434 of 2008 dated 10.11.2011 before the Division Bench and also before the Hon'ble Supreme Court in SLP (Civil) No.15001-15110 of 2013 dated 25.02.2019 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. In view of said undertaking the respondents are duty bound to consider the cases of petitioners. As per Clause (6) (iv) (c) of the revised recruitment notification, if more than one contract labour apply for the post, the contract labour with earlier date of birth would be given preference for selection.

4. Though petitioners secured merit their cases were not considered on the ground that persons older in age to petitioners had to be given preference as per said clause. The learned counsel for petitioners submits that in view of said undertaking 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.

5. However, when it was specifically asked, learned counsel for the petitioners fairly submits that so far no representation/request is made to grant them the relief sought in this writ petition. Even before a representation is made, petitioners cannot expect that the authorities will not consider the request. A writ petition cannot be instituted as a matter of course and to seek direction to dispose of representation and if direction is issued only such representation would be entertained. That is not the scope of exercise of power under Article 226 of the Constitution of India.

6. Petitioners can not say that they are remediless if the representations made by them are not accepted or they have not taken decision and kept the issue pending for long time. Therefore, this Court is not inclined to entertain the writ petition and the same is liable to be dismissed. At this stage, learned counsel for the petitioners seeks leave to the petitioners to make a representation and for the authorities to consider the same and pass appropriate orders.

7. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioners to make a representation, if so advised, ventilating their grievance and invite a decision from the competent authority. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO, J

26th September, 2019
Rds