

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.22841 of 2010

ORDER:

This writ petition is filed seeking the following relief :-

“to call for the records from the respondents and issue appropriate writ, order or direction particularly one in the nature of Writ of Mandamus declaring the Proceedings No. LC1/ 785/ WP(66)/ 00/ RM(NB) dated 2.8.2010 in refusing to consider the cases of the petitioners for absorption as Conductors, Drivers and Cleaners as illegal, unjust, contrary to law, arbitrary, violation of principles of natural justice and in violation of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to consider the cases of petitioners for appointment as Conductors, Drivers and Cleaners.....”.

Heard Mr.A.K.Jayaprakash Rao, learned counsel appearing for the petitioners and Sri B.Mayur Reddy, learned Standing Counsel for the respondents.

It has been contended by the petitioners that they worked in various categories with private bus operators in Mahabubnagar District and consequent upon nationalization of the Bus services, the petitioners were declared unemployed and the respondents Corporation has taken a policy decision to absorb the workers, who were working with private bus operators into the services of the respondents Corporation. Pursuant to the said policy decision, though the petitioners made an application for appointment to the posts of Conductors, Drivers and Cleaners, their cases were rejected. In those circumstances, the petitioners have filed W.P.No.4689 of 1999 and batch and this Court vide order dated 08.08.2000 disposed of the said batch of writ petitions directing the respondents to consider the cases of petitioners for absorption

without reference to the ban orders issued in the year 1998, provided the petitioners fulfil the eligibility criteria laid down under the scheme of absorption. Aggrieved by the same, the respondents Corporation carried the matter in appeals in W.A.No.1159 of 2000 and batch and a Division Bench of this Court was pleased to dismiss the said batch of writ appeals vide judgment dated 13.11.2000. Thereafter, the respondents Corporation has carried the matter before the Hon'ble Supreme Court by filing SLP(C) Nos. 5503, 5504 and 5505 of 2001 and the Hon'ble Supreme Court was pleased to dismiss the same on 12.11.2009. Thereafter, the respondents have considered the cases of petitioners and placed the same before the selection committee and the selection committee had rejected the cases of petitioners on the ground that the petitioners have submitted xerox copies of the required documents instead of submitting original documents.

Learned counsel for the petitioners submits that whatever documents the petitioners are having, the same were submitted before the selection committee, however, the selection committee had rejected the cases of petitioners on the ground that the petitioners have not produced the original documents, which are not in their custody, which is nothing but an arbitrary exercise of power and if a reasonable opportunity is given, the petitioners would submit the Certificates issued by the Labour Officer, Mahabubnagar, to demonstrate that they have worked with the private bus operators.

Learned Standing Counsel appearing for the respondents contends that pursuant to the orders passed by this Court, which

were confirmed by the Hon'ble Supreme Court, the Selection Committee has considered the cases of petitioners and since the petitioners have not produced originals of the required documents, their cases were not considered and accordingly rejected. He further contended that if the petitioners produce original certificates issued by the Labour Officer to demonstrate that they have worked with the private bus operators, the cases of the petitioners will be considered and appropriate orders would be passed 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 petitioner to submit original certificates issued by the Labour Officer to demonstrate that they have worked with the private bus operators along with a fresh representation within four weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same 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

27-09-2019
Prv