

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16130 of 2014

ORDER:

This Writ Petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent Nos.1 to 4 in not initiating action pursuant to the representation of the petitioner, dated 08.5.2014, with regard to continuing him as Shift Operator (contract labour) as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

Heard Sri G.Rajeshwar Rao, learned counsel for the petitioner, and Sri R.Vinod Reddy, learned Standing Counsel for the respondent-Company.

It is the case of the petitioner that he was initially appointed as Shift Operator on contract basis in the respondent Company with effect from 01.01.2009 and he is fully eligible and qualified to hold the said post on regular basis; that on bifurcation of the erstwhile State of Andhra Pradesh and creation of the State of Telangana, the Government of Telangana has taken a policy decision to absorb all the contract workers; that the respondent Company has discontinued his services with effect from November, 2013 on the alleged ground that he has given a letter of resignation; and that subsequently, he made a representation on 08.5.2014 to the respondent Company to continue him as Shift Operator, but so far the respondent Company has not passed any orders.

Learned counsel for the petitioner submitted that appropriate orders be passed in this Writ Petition directing the respondent Company to consider the representation of the petitioner, dated 08.5.2014, and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondent Company has contended that the services of the petitioner were disengaged with effect from November, 2013, consequent upon his resignation.

Admittedly, the petitioner was not working as Shift Operator in the respondent Company as on the cut off date of 02.6.2014 and therefore, the question of considering the case of the petitioner for absorption as Shift Operator in the respondent Company would not arise. However, learned Standing Counsel for the respondent Company submits that the respondent Company would consider the representation dated 08.5.2014 submitted by the petitioner and pass appropriate orders in accordance with law.

Having considered the rival submissions of both the learned counsel, this Court is of the considered view that ends of justice would be met if respondent Nos.1 to 4 are directed to consider the representation dated 08.5.2014 of the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.

Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

30th September, 2019
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JUSTICE ABHINAND KUMAR SHAVILI