HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18704 of 2012

ORDER

This writ petition is filed seeking the following relief:

> **"to issue Writ of Mandamus declaring the action of the respondents in not considering the petitioners for being appointed as NMR/s in causal or regular vacancies in the respondent department and filling the same with outsiders as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to consider the case of petitioners on priority for appointing as NMRs/ Man Majdoors in the existing or future vacancies in the 3rd respondent circle and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case."**

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

Earlier the petitioners 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 them.

Learned counsel for the petitioners contended that this Court *vide* order dated 25.06.2012 granted 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. It is further contended that it would be suffice, if the interim order granted by this Court on 25.06.2012 is made absolute.

Learned Government Pleader contended 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 made by the learned counsel on either side, this Court is of the view that the writ petition can be 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.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 24.12.2019

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