

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

Between:

WRIT PETITION NO: 11483 OF 2004

G. Srinivas Rao, S/o Laxmaiah, aged about 36 years, Occ: Electrician, Emp. No.2258641, Quarter No.D-514, 1st Zone, Kalyani Khani Mandamarri-504 231, Adilabad District.

AND

...PETITIONER

1. The Central Industrial Tribunal-Cum-Labour, represented by its Presiding Officer, Manoranjan Complex, M.J.Road, Hyderabad.
2. The General Manager, The Singareni Collieries Co. Ltd, Mandamarri Area-504 231, Adilabad District.
3. The Senior Systems Analyst (Sr. Programmer), The Singareni Collieries Co. Ltd Mandamarri-504 231, Adilabad District.
4. The Colliery Manager, KK 5A Incline, The Singareni Collieries Co. Ltd KK 5A Incline, The Singareni collieries Co. Ltd Kalyani Khani, Mandamarri, Adilabad District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records from the 1st Respondent in M.P.No.16/2003 and issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Certiorari, and quash the order passed by the 1st respondent in M.P.No.16/2003, dt. 28/05/2004 by allowing the claim and directing respondent No.2 to 4 to pay the salary for the period from 31/07/2001 to 19/06/2002 with all other consequential benefits;

Counsel for the Petitioner: SRI. A.K. JAYAPRAKASH RAO

**Counsel for the Respondent No.1: SRI NAMAVARAPU RAJESHWARA RAO,
ASSISTANT SOLICITOR GENERAL**

**Counsel for the Respondent Nos.2 to 4: SRI J. SREENIVASA RAO,
SC FOR SINGARENI COLLIERIES**

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION NO.11483 OF 2004

ORDER

This is a Writ Petition filed by the petitioner under Article 226 of the Constitution of India seeking a Writ more particularly one in the nature of Writ of Certiorari to quash the order passed by the 1st respondent in M.P.No.16 of 2003, dt.28.05.2004 allowing the claim of the claimant and directing respondents 2 to 4 to pay the salary for the period from 31.07.2001 to 19.06.2002 with all consequential benefits and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

2. Brief facts leading to the filing of this Writ Petition are that the petitioner was appointed as an Electrician in the respondent Company and was working as such from 18.10.1988. On 20.07.1998, the 2nd respondent issued a Notification for selection of EDP Assistant and the petitioner submitted his application and was initially appointed for 2 months and was further extended till 12.07.2001 when the 3rd respondent relieved the petitioner from the post of EDP Assistant. He was directed to report before the 4th respondent. Aggrieved by the orders of the 3rd respondent, the petitioner filed W.P.No.15689 of 2001 and this Hon'ble Court granted interim orders directing continuation of the petitioner as EDP Assistant. However, the

petitioner was not allowed to discharge duties from 31.07.2001 to 20.06.2002 when the Writ Petition was dismissed. According to the petitioner, he was entitled to the pay of EDP Assistant from 31.07.2001 to 20.06.2002 by virtue of the interim orders of the High Court. He therefore filed M.P.No.16 of 2003 before the 1st respondent to claim monetary benefits, but the same was dismissed and this Writ Petition was filed assailing the same.

3. Learned counsel for the petitioner, Sri A.K. Jaya Prakash Rao, reiterated the submissions made in the affidavit, while learned counsel for respondents 2 to 4, Sri J. Sreenivasa Rao, has relied upon the averments in the counter filed on behalf of the respondent Company. At para 5 of the counter affidavit, it is stated as under:

"(5) In reply to averments made in Para -5, I submit that computers were introduced during the year 1997-98 in the Respondent Company and for the first time computers were initially installed in Area I.T. Department and the department were not well equipped with qualified candidates for the operation of computers for data entry. The Clerical staff available at that time was not having minimum basic knowledge of computer operation. In order to cope up with the work, it became essential to deploy some of the candidates on temporary basis to work in Area I.T. Department. In this process a circular No.P/MM/25/2/98/56, dated 20.07.1998 was issued to different units in Mundamarri Area calling applications from the candidates possessing Diploma or Certificate in Computer Sciences to work on computers for data processing. A total of 13 candidates among a total of nearly 11,600 employees in Mundamarri Area made applications. As it was for the first time candidates were being drawn to work on computers, a selection was made and in the call letter issued to the candidates

concerned it was specifically mentioned that they will be subjected to tests to find out their suitability to work on computers on temporary basis. Among the selected candidates the petitioner was one and he was deputed to work at Computer Centre for a temporary period of two months from 27.08.1998. The petitioner's claim that applications were called for Electronic Data Processing Assistant (EDP) is incorrect. For the post of E.D.P. Assistant, a Clerk Grade-I with minimum service of 5 years as Clerk Grade-I and possessing knowledge of Typewriting (English) is eligible and the selection is based on written test and the selected candidate will be on training for one year during which period he will be designated as EDP Assistant Trainee. Thus the petitioner was never called for the post of EDP Assistant and the petitioner is not having the said qualification for competing for selection to the post of EDP Assistant."

4. Thus, it can be seen that the petitioner was appointed as EDP Assistant on a temporary basis and was reverted back to the post of Electrician and the Hon'ble High Court in the interim directions also directed the petitioner to be continued as an Electrician only. Therefore, there was no cause of action for any relief to the petitioner to pay the difference of salary for the period between 31.07.2001 to 19.06.2002.

5. The Writ Petition is accordingly dismissed. No order as to costs.

6. Pending miscellaneous petitions, if any, in this Writ Petition shall also stand dismissed.

Sd/-K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. One CC to Sri A.K. Jayaprakash Rao, Advocate [OPUC]
2. One CC to Sri Namavarapu Rajeshwara Rao, Assistant Solicitor General [OPUC]
3. One CC to Sri J. Sreenivasa Rao, SC for Singareni Collieries [OPUC]
4. Two CD Copies
5. One Spare Copy

CHR



HIGH COURT

DATED:31/12/2021

ORDER

W.P.No.11483 of 2004



DISMISSING THE WRIT PETITION
WITHOUT COSTS

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REMA
08/02/2022