

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

TUESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 11610 OF 2021

Between:

B.Ramesh, S/o B.Ramulu, Hindu, Aged about of 40 years, Occ. un -employee
R/o Hatukargalli, Kosgi Mandal, Mahaboobnagar District.

...PETITIONER

AND

1. Telangana Transco, rep. by its Chairman and Managing Director, Vidyut Soudha, Khairatabad, Hyderabad.
2. Southern Power Distribution Company of Telangana Ltd., (TSSPDCL), Rep. by its Managing Director, 6-1-50, Corporate Office, Mint Compound, Hyderabad 500063.
3. The Chief General Manager (HRD), Southern Power Distribution Company Telangana Ltd., (TSSPDCL), 6-1-50, Corporate Office, Mint Compound, Hyderabad-500063.
4. The Superintending Engineer, Operation Circle, TSSPDCL, Mahabubnagar.

...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 issue a writ or order or orders directions morefully in the nature of Writ mandamus declaring that the rejection of the case of the petitioner for the post of CJLM or any other suitable post in the respondent corporation in proceedings of the Memo No. CGM (HRD)/GM (Per)/AS (Per and Ser)/PO-A/85-A2/2018, dt.13-09-2019 of the respondents herein as illegal, improper, arbitrary, discriminatory besides being opposed to Principles of natural Justice and consequently direct the respondents to appoint the petitioner in a post of CJLM/Office Subordinate or any other suitable post by granting exemption from the pole climbing test as per the proceedings No. Letter No. SE/OP/MBNR/PO/JAO/Adm.C2 /D.NO.516/11,dt.23-07-2011, Letter No. SE/OP/ MBNR/PO/JAO/Adm.C2 /D.NO.123/ 19, dt.09-01-2019 of the 4th respondent.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

direct the respondents to consider the case of the petitioner for office Subordinate/ CJLM or any other Suitable post in the Operation Circle, Mahabubnagar in state of Telangana on par with similarly situated persons pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. KOTESWARA RAO MUMMANENI

Counsel for the Respondents: SRI R.VINOD REDDY(SC FOR TS TRANSCO)

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION NO.11610 OF 2021

ORDER

This Writ Petition is filed seeking a Writ of Mandamus declaring the rejection of the petitioner's case for the post of CJLM or any other suitable post in the respondent Corporation in Proceedings Memo No.CGM (HRD)/GM (Per)/AS (Per & Ser)/PO-A/85-A2/2018 dt.13.09.2019 of the respondents, as illegal, arbitrary and discriminatory.

2. Brief facts leading to the filing of the present Writ Petition are that the petitioner worked as Contract Labour in the respondent Corporation and while working on the pole replacement of HG Fuse SS-II, Munifa, Kosgi Section, the petitioner sustained injuries on his right leg and left hand at the time of attending to call duty. The petitioner was thereafter operated and steel rods were fixed in his hand. As the petitioner thereafter could not pass the pole climbing test, he was not considered for Junior Lineman post. The petitioner filed a number of writ petitions before this Court.

3. In W.P.No.13908 of 2019, this Court *vide* orders dt.15.07.2019 had directed the respondents therein to consider the case of the petitioner for appointment to the post of Office Subordinate by duly taking into account the recommendation made by the Superintending Engineer *vide* letter dt.23.07.2011 and pass appropriate orders thereon. Thereafter, *vide* the impugned letter dt.13.09.2019, the case of the petitioner was rejected by the respondents. Challenging the said rejection, the present Writ Petition has been filed.

4. Smt. K. Seshya Rajyam, learned Senior Counsel representing Sri Mummaneni Koteswara Rao, learned counsel for the petitioner, has drawn the attention of this Court to various proceedings before this Court and also to the order of this Court in W.P.No.13908 of 2019 dt.15.07.2019. She submitted that the fact the petitioner sustained grievous injuries in the electrical accident that occurred while the petitioner was discharging his duty has been taken into consideration by this Court in W.P.No.13908 of 2019 and the direction given to the respondents therein was to consider the case of petitioner for appointment to the post of Office Subordinate by duly taking into account the recommendation made by the Superintending Engineer *vide*

letter dt.23.07.2011. She has also drawn the attention of this Court to the recommendations of the Superintending Engineer *vide* letter dt.23.07.2011, wherein the cases of four persons who had sustained injuries in the electrical accidents occurred while attending to departmental works were considered for appointment. She has also drawn particular attention of this Court to the case of one A. Anjaneyulu, who also sustained injuries in electrical accident and also failed in pole climbing test, but was considered and appointed as Office Subordinate in spite of his physical inability sustained in electrical accident. She submitted that the petitioner is also similarly placed and denying consideration of his case for appointment as Office Subordinate is clearly discriminatory and thus illegal and arbitrary.

5. Learned Standing Counsel for the respondents, Sri R. Vinod Reddy, reiterates the averments made in the counter affidavit and supports the impugned order. He submits that the petitioner had only sustained fracture of left hand and therefore, it cannot be said that he has sustained grievous injuries and that he has to be considered for the post of Office Subordinate. He submits that the petitioner did not keep himself physically fit to pass the pole climbing test and therefore, his

case has been considered and rejected on this ground. As regards conversion of a contract labourer into the post of Office Subordinate, he submits that there is no scheme in the respondent organisation for conversion of a contract labourer into an Office Subordinate. He submits that such posts are kept for compassionate appointment of the dependents of the employees who die in harness. He therefore submits that the case of the petitioner has been considered in accordance with the directions of this Court and the petitioner does not have any merit in this Writ Petition.

6. Having regard to the rival contentions and the material on record, this Court finds that from the year 2007, the petitioner's case has been under consideration and on 23.07.2011, after the directions of this Court to consider the representation of the petitioner, the Superintending Engineer of the respondent Corporation has recommended that the case of the petitioner should be considered for the post of Office Subordinate. All these facts have been considered by this Court in W.P.No.13908 of 2019 and it is only thereafter that this Court has given a direction to consider the case of the petitioner for appointment to the post of Office Subordinate by duly taking into account the recommendation made by

the Superintending Engineer. The impugned order speaks of the pole climbing test which has not been passed by the petitioner. This order is passed clearly ignoring the directions of this Court. On earlier two occasions, when the petitioner filed Writ Petitions, the respondents were directed to allow the petitioner for pole climbing test again, but in the order dt.15.07.2019, the direction was clearly to consider the case of the petitioner for the post of Office Subordinate only. If the contention of the respondents that there is no scheme of converting a contract labourer into Office Subordinate is to be accepted to be true, it is not known as to how the case of one Mr. A.Anjaneyulu has been considered and he has been appointed as an Office Subordinate. Therefore, this contention of the respondents does not find any merit. The respondents have already considered the case of similarly placed person who has also sustained injuries in electrical accident and has been given Office Subordinate post in spite of his physical disability due to the accident. In view thereof, this Court deems it fit and proper to direct the respondents to consider and appoint the petitioner as Office Subordinate in any post which is vacant subject to his fulfilment of other conditions, such as educational qualifications, etc.

7. The Writ Petition is accordingly allowed. No order as to costs.
8. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

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SD/-K.ONESIM
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Chairman and Managing Director, Telangana Transco, Vidyut Soudha, Khairatabad, Hyderabad.
2. The Managing Director, Southern Power Distribution Company of Telangana Ltd., (TSSPDCL), 6-1-50, Corporate Office, Mint. Compound, Hyderabad 500063.
3. The Chief General Manager (HRD), Southern Power Distribution Company Telangana Ltd., (TSSPDCL), 6-1-50, Corporate Office, Mint Compound, Hyderabad-500063.
4. The Superintending Engineer, Operation Circle, TSSPDCL, Mahabubnagar.
5. One CC to SRI. KOTESWARA RAO MUMMANENI Advocate [OPUC]
6. One CC to SRI R.VINOD REDDY(SC FOR TS TRANSCO), Advocate [OPUC]
7. Two CD Copies.
8. One Spare Copy.

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HIGH COURT

ORDER

WP.No.11610 of 2021

DATED:23/08/2022

ORDER

WP.No.11610 of 2021

ALLOWING THE WP
WITHOUT COSTS.

⑨ $\frac{v/w}{5/9/22}$

