
(2001) 03 AP CK 0007
In the Andhra Pradesh High Court
Case No : W.A. No. 161 of 2001

BHEL Higher Secondary School Non-teaching Employees Union APPELLANT

Vs

BHEL Ramachandrapuram, Hyderabad and another RESPONDENT

Date of Decision : 13-03-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 3 ALD 357 : (2001) 4 ALT 333 : (2002) 3 LLJ 465

Hon'ble Judges : S.B. Sinha, C.J.; S.R. Nayak, J

Bench : Division Bench

Advocate : Mr. G. Vidyasagar, for the Appellant; Mr. S.V. Bhatt and Mr. S. Raindranath, for the Respondent

Judgement

S.B. Sinha, C.J.—This writ appeal by the appellant-writ petitioner is directed against the order of the learned single Judge whereby whereunder the writ petition filed by the appellant herein for the relief that the members of petitioner-union be absorbed in the respective equivalent categories in other departments under the control of the 1st respondent company was dismissed.

2. In the writ petition the appellant-petitioner sought for the following relief:

"to issue an order, direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the 1st respondent in not transferring the members of the petitioner-union to the posts of Head Clerk, Junior Assistant, lab Attendant and other Class-IV in the equivalent category in other category/departments consequent on the policy decision to reduce the strength of the students in, a phased manner in BHEL Higher Secondary School as illegal and arbitrary and consequently direct the respondents to absorb the members of the petitioner-union in the equivalent category in other departments under the control of the 1st respondent."

3. The members of the appellant-union are non-teaching employees working in

various categories such as Head Clerk, Junior Assistants, Lab Attendants and in other Class-IV posts in the BHEL Higher Secondary School run by the 1st respondent-society.

4. It appears that the 2nd respondent has taken a policy decision to reduce the strength of the students as well as the teachers in a phased manner in the school. The appellant claims that since the 2nd respondent-society is part of the 1st respondent-company, they are entitled for transfer of their services to the 1st respondent-company in the appropriate equivalent posts.

5. Since similar writ petitions being WP No.29998 of 1998 and batch filed by the teaching staff of the School were dismissed by this Court by judgment dated 2-8-2000, the learned single Judge following the said judgment dismissed the writ petition by the judgment impugned herein.

6. The point raised herein is covered by the judgment pronounced by us today in WA Nos. 1496 and 1497 of 2000 preferred against the judgment in WP No.29998 of 1998 and WP No.9339 of 2000 wherein it was observed that the policy decision of a company or a society can be interfered with by the Court only when it is wholly arbitrary and violative of Article 14 of the Constitution of India. The Court is not concerned with the merit of such policy decision. In view of the said judgment, this writ appeal is also liable to be dismissed.

7. The learned Counsel appearing for the appellant has, however, submitted that the members of the appellant-union are entitled for regularisation of their services.

8. It is now a well settled principle of law that regularisation is not a mode of appointment. Such regularisation cannot be directed unless and until there exists a statutory rule or a scheme in that regard. In any event, for obtaining such claim of regularisation, if any, the appellant has to take recourse to the provisions of Industrial Disputes Act. The writ Court does not convert itself into an Industrial Tribunal and direct regularisation of the services of employees.

9. For the reasons aforesaid, we find no merit in the writ appeal which is accordingly dismissed. There shall be no order as to costs.