
(1999) 03 AP CK 0067

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 7041 and 7049 of 1998

Chandra Mouli Reddy

APPELLANT

Vs

Member-Secretary, APSEB

RESPONDENT

Date of Decision : 18-03-1999

Acts Referred:

Contract Labour (Regulation and Abolition) Act, 1970 — Section 10

Citation : (2000) 1 LLJ 1175 : (1999) 2 LLJ 1350

Hon'ble Judges : S.R. Nayak, J

Bench : Single Bench

Advocate : G. Vidyasagar, for the Appellant; R. Ramanujam, for the Respondent

Final Decision : Dismissed

Judgement

S.R. Nayak, J.—Rule nisi, Mr. R. Ramanujam, learned Standing Counsel for APSE Board, took notice for the respondents. The facts and the question of law which do arise for consideration and resolution are the same in both these writ petitions. Hence, they were clubbed and heard finally with the consent of the learned counsel for the parties.

2. Admittedly the petitioners in both the writ petitions entered the services of the respondent-Board on contract basis subsequent on September 23, 1996. It is also an admitted position that the Government of Andhra Pradesh, which is an appropriate government under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 (for short "the Act") issued notification u/s 10 of the Act abolishing contract labour in the APSE Board as regards the 33 categories of; employment. It is also an admitted position that all the petitioners herein are engaged on contract basis in the aforementioned prohibited 33 categories of employment.

3. In these writ petitions the petitioners have sought for a Writ of Mandamus declaring the proceedings in B.P. (P&G Per.) Ms. No. 272 dated December 31, 1997 with reference to clause 4(iii) as illegal and arbitrary and for a

consequential direction to the respondents to consider the claims of the petitioners for absorption in their respective cadres, in which they have been working on contract basis, in accordance with the proceedings in B.P. (P&G Per) Ms. No. 37 dated May 18, 1997, with all consequential benefits.

4. The effect of the notification issued by the appropriate Government u/s 10(1) of the Act is that the categories of employment stood abolished and they became the employees of the Board. To implement the legal consequences flowing from the abolition of the contract labour, the Management of Board has issued B.P. (P &G Per.) Ms. No. 37 dated May 18, 1997. In B.P. (P&G Per) 272 dated December 31, 1997, under clause (iii) of para 4 it is directed that the contract labour, who seeks absorption of his services on regular basis in terms of B.P. (P&G Per) Ms. No. 37 dated May 18, 1997 should have been on rolls as on September 23, 1996 i.e. the date on which the prohibition of employment of contract labour in respect of 33 categories of employment was imposed in terms of G. O. Ms. No. 41 dated September 23, 1996. Admittedly, none of the petitioners herein was working as contract labour on the date of issuance of G.O. Ms. No. 41. Therefore, it cannot be said that the petitioners have acquired any vested right to be considered for absorption of their services on regular basis in terms of B.P. (P&G Per) Ms. No. 37 dated May 18, 1997. Only those contract labour who were on rolls as on the appointed date, i.e. September 23, 1996 are entitled to be absorbed in terms of B.P. (P&G. Per) Ms. No. 37 as a legal consequence flowing from G.O. Ms. No. 41 dated September 23, 1996, was a legal consequence following from G.O. Ms. No. 41 dated September 23, 1996. Therefore no writ will lie against the Board Writ petitioners in terms of B.P. (P&G. Per) Ms. No. 37 dated May 18, 1997.

5. The writ petitions are, therefore, dismissed. No costs.