

(2011) 09 MP CK 0062
In the Madhya Pradesh High Court
Case No : Writ Petition No. 12653 of 2010

Ganesh Khare

APPELLANT

Vs

Principal Secretary, State of M.P. and Others

RESPONDENT

Date of Decision : 21-09-2011

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2011) ILR (MP) 3002

Hon'ble Judges : Rajendra Menon, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajendra Menon, J.—This order shall govern the disposal of all the Writ Petitions mentioned above, in which common questions of fact and laws are involved.

2. For the sake of convenience, the facts stated and the material available in the record of Writ Petition Nos. 12653/2010, 12582/2010, 12652/2010, 14198/2010 and 12694/2010 are being referred to in this order.

3. In Writ Petition No. 12653/2010, the relief claimed by the petitioners in paragraph 7, of the writ petition, reads as under:

(i) The respondents be directed to fix the quota for departmental candidates in the recruitment process of Meter Readers/Line Attendant Class IV in the respondent-companies in pursuance of the recruitment notice annexed with this petition.

(ii) The respondents be directed to treat the petitioners as departmental candidates and allow them to appear in the recruitment examination as departmental candidates.

(iii) The respondent Companies be directed to fill up the vacancies first from the Meter Readers including the petitioner by selection as departmental candidates and if the vacancy remained, then only issue the direct recruitment notice.

(iv) Any other relief which this Hon'ble Court finds the petitioner entitled to be also granted.

(v) Cost of the petition.

During the course of hearing of this writ petition, Shri K.N. Pethia, learned counsel appearing for the petitioners, submitted that as far as prayer No.7(i) with regard to fixing the departmental quota for the petitioners are concerned, the said relief is not being pressed now.

4. Facts relevant for deciding the petitions indicate that petitioners in all these cases are presently service contractors engaged by the respondents, for the purpose of meter reading and distribution of bills. According to the petitioners, they were initially appointed in the year 2000 as Meter Readers by the then existing M.P. State Electricity Board. Their initial appointment was on contract basis and the same was renewed from time to time. It is the case of the petitioners that even though in the respondents establishment various regular posts of Meter Readers and Class IV Technical posts were available, but with a view to avoid grant of regular service benefit to the employees like the petitioners, the novel method of contract appointment was initiated. The system of contract appointment continued for sometime and the petitioners worked as contract employees for various periods. Subsequently, it is stated that in the year 2008, the system of contract appointment itself was done away with and a different method of appointing the petitioners themselves as service contractors was brought into force and by an agreement entered for a period of one year the petitioners herein were given the service contract for the purpose of meter reading and distribution of bills. A copy of the contract is available in the record of each case and in Writ Petition No. 12653/2010, it is available at page 69 of the paper book. The contract indicates that it was entered into on 31.12.2008 for a period of one year and the conditions of contract were stipulated therein, which mandated the contracting person to go to the premises of the customer, record the meter reading and do certain ancillary works, like checking of the meter, illegal connection and theft of electricity, certain incentive were also given for detecting theft and pointing out irregularities, if any, in the premises and for enhancing the collection of revenue. The arrangement had continued for sometime, but all of a sudden it seems that in the year 2009 a Notification was issued wherein it was indicated that henceforth service contract for the purpose of meter reading will be granted only to such persons, who are not beyond 40 years of age. As a result many of the persons, who were having the contract for meter reading were debarred from continuing with the contract. Aggrieved of the aforesaid action, a Union of the employees - M.R Vidyut Meter Vachak Sangh, and certain other persons filed a writ petition before this Court being Writ Petition No. 1110/2009. Apart from challenging the action of the respondents in restricting the contract to certain categories of persons on the basis of age criteria in these writ petitions, various other reliefs for regularization, grant of permanent status and various other benefits were claimed. Initially, an interim

order was passed in one of the writ petitions being W.P.No. 1110/2009 and finally all the writ petitions were decided by a common order passed on 28.6.2010, by a Division Bench of this Court. Copies of the order passed in the said writ petition is filed as Annexure R/3, in Writ Petition No.12653/2010, and the order reads as under:

After arguing at some length, considering the objections raised by the employer, it is agreed that parties should approach the concerned Labour Court for redressal of the grievance. The Court has passed interim order in W.P.No, 1110/2009. Following order is passed by this Court.

Parties as before.

Learned counsel for the petitioners submitted that the petitioners were engaged as Meter Readers on contract basis and they had worked for long time with the respondent/Board, but however, the respondents are not ready to renew the contract with the present petitioners under the garb that they have crossed the age of 40 years. The petitioners also submit that on 29.2.2008, the Additional Secretary, Madhya Pradesh Poorva Kshetra Vidyut Vitran Company Ltd. had issued a letter that the persons who have crossed the age of 40 years should not be continued as contractors for meter reading. The submission is that in case a person who is appointed on regular basis as a Meter Reader then until his retirement which is at age of 62 years, he can continue to work as Meter Reader, therefore, there is no intelligent different between contract Meter Reader who crossed the age of 40 years and person who is in the regular appointment as a contract Meter Reader. It is also submitted that on earlier occasions in Writ Appeal No. 1273/2006 (Mohan Lal Mishra Vs. Presiding Officer and Others) and W.A.No.1154/2006 vide order dated 15.11.2006 this Court had issued directions to the respondents that until the regular appointment of the Meter Reader is made, the authorities of the MP State Electricity Board will make the offer for such engagement on contract basis to the said appellants. It is submitted that the respondents have invited candidature from the common public aging between 18 to 40 years for awarding the work on contract basis. Their submission is that if the respondents are not engaging the Meter Readers on regular basis then the petitioners are entitled to an offer from the respondent/ Electricity Board.

Shri Nair, learned Senior Counsel for the respondents, on the other hand submitted that in accordance with Policy floated by the respondents, persons above 40 years of age are not to be offered contract for Meter Reading. His submission is that the respondents are entitled to frame their own terms and conditions for entering into a contract with a person and the petitioners cannot raise an objection to the same. It is also submitted that person who crossed the age of 40 years are not suitable or capable for doing the work in the field therefore the respondents are justified in proposing such terms.

However, he was unable to say anything about the Meter Readers who are

appointed on regular basis and are to continue to work upto the age of 62 years.

Taking into consideration the totality of the circumstances, it is hereby directed that if the respondents are entering into a contract with any person to work as Meter Reader and are not making appointment on regular basis then the petitioners would be offered the contract first.

The petition is admitted for hearing.

It be listed for final hearing in due course.

Certified copy of this order must be supplied to the persons today itself."

In the circumstances, for a period of one month the arrangement to continue. In the meantime, the Labour Court to make endeavour to decide the case of the employees, in case Labour Court decides the matter at an early date, the order to operate till that date.

The writ petition stands disposed of in the aforesaid terms.

No costs.

It is common ground that in pursuance to the aforesaid order passed by the Division Bench, matters pertaining to the claim of the Meter Readers for regularization, grant of permanent status etc are pending before various Labour Courts throughout the State of MP and a final decision has not been taken yet. That being so, it is clear that the question pertaining to the benefit of permanent status under the Standard Standing Orders formulated under the M.P. Industrial Employment (Standing Order) Rules, 1963, regularization in service and grant of other service benefits and the action of the respondents in granting contract employment or contract etc are pending consideration before the appropriate Labour Court throughout the State of MP.

5. In the meanwhile, when an advertisement - Annexure R/1 was issued calling for eligible candidates for engagement as Line Attendant on contract basis and when certain stipulation regarding age criteria and qualifications were prescribed in the said advertisement - Annexure R/1, all these petitions have been filed and relief claimed are identical in all these cases as is indicated hereinabove. It is the case of each of the petitioners, in these cases, that even though the work of a Meter Reader undertaken by them and the work to be performed by the Line Attendants to be appointed in pursuance to the advertisement - Annexure R/1 are identical, but a different qualification is prescribed for appointment as Line Attendant on contract basis as a result the petitioners' right to seek engagement on contract basis is being denied. That apart, as the age relaxation and benefit of past service rendered by the petitioners as Meter Readers are not being granted, these writ petitions have been filed.

6. In sum and substance, the contention of the petitioners in these writ petitions are:

(a) That, they should be granted appropriate age relaxation, keeping in view the work done by them as Meter Readers;

(b) Weightage of atleast 10% should be granted to them and after granting them complete relaxation in educational qualification, they should be permitted to participate in the process of selection.

Seeking the aforesaid relaxations in the matter of engagement as Line Attendants (contract), these writ petitions were filed.

7. While considering the claim of the petitioners in all these cases, an interim order was passed by this Court on 10.9.2010 directing the respondent Board to permit such of the petitioners, who fulfill the educational qualification notified in Annexure R/1. to participate in the process of selection after granting them age relaxation to the extent of work done by them as Meter Readers. In pursuance to the interim order passed by this Court, records indicate that respondents issued a corrigendum vide Annexure R/2, modifying the advertisement Annexure R/1, and after granting complete age relaxation and providing for 10% reservation to Meter Readers, selection process has been conducted and such of the petitioners, who fulfill the qualification prescribed under Annexure R/1 have been permitted to participate in the selection process and such of them, who have qualified in the selection process, are being selected. Now, it is the grievance of the petitioners that after granting them proper age relaxation, weightage for the work done by them and without insisting upon the educational qualification as contemplated in the advertisement - Annexure R/1, the petitioners may be considered for appointment/engagement to the post of Line Attendant (contract).

8. During the course of hearing of these writ petitions, each of the petitioners represented by their counsel canvassed various contentions. As far as Writ Petition No. 12653/2010 is concerned, it is argued that the so-called service contract entered into by the respondent with the petitioners is a paper arrangement to camouflage and deny benefit of regularization to the Meter Readers, contrary to the Standard Standing Orders applicable in the respondents' establishment. It is further stated that in accordance to the MP Industrial Employment (Standing Order) Rules, 1963, the petitioners have attained the status of permanent employees after completing six months of service and, therefore, they cannot be denied the benefit of a permanent employee within the meaning of the Standard Standing Orders. It is also argued that the contract of appointment is illegal. It amounts to unfair labour practice and benefit of regularization, pay scale and other service benefits at par with a regular employee are claimed on the ground that the action of the respondents amount to unfair labour practice and is illegal. In support of the averments made the following judgments were relied upon: Madhya Pradesh State Road Transport Corporation Vs. Heeralal Ochhelal and others, ; Superintending Engineer, P.W.D. and Another Vs. Dev Prakash Shrivastava and Others, ; Assistant Engineer Vs. Presiding Officer and others, Writ Petition No.4236/1999 decided on 1.7.2004; Secretary, H.S.E.B Vs. Suresh and Others etc. etc., ; Sanjit Roy Vs. State of

Rajasthan, Shining Tailors Vs. Industrial Tribunal II, U. P., Lucknow and Others, The Workmen of Food Corporation of India Vs. M/s Food Corporation of India; Trambak Rubber Industries Ltd. Vs. Nashik Workers Union and Others, Maharashtra State Road Transport Corporation and Another Vs. Casteribe Rajya P. Karmchari Sanghatana, Devinder Singh Vs. Municipal Council, Sanaur, and, Bhagwati Prasad Vs. Delhi State Mineral Development Corporation, , to contend that the employees have attained the status of permanent employees under the Standard Standing Order, the rules and regulations framed under the Standing Order will prevail over all other provisions and accordingly prayer made is that the action of the respondents in denying regularization of the petitioners be interfered with.

9. Similar arguments were advanced by all the petitioners, but in Writ Petition No. 12652/2010, apart from the aforesaid contentions advanced, an additional ground with regard to granting age relaxation to Scheduled Caste and Scheduled Tribe candidates at par with government circulars and rules were sought for. In Writ Petition No. 14198/2010, the petitioners are Sub Station Operators, they are not Meter Readers, but they also claim similar benefit. In Writ Petition No. 12694/2010, benefit identical in nature are claimed, but it is stated that age relaxation, weightage for the work done and insistence upon a particular qualification contrary to the qualifications to be possessed by a Meter Reader cannot be insisted upon.

10. In Writ Petition No.12582/2010, Shri Ashish Trivedi canvassed a different ground to the effect that Meter Readers and Line Attendants form two class and categories, therefore, by grouping them together and treating them alike for the purpose of granting contract of engagement, the respondents have violated the provisions of Article 14 of the Constitution and, therefore, the action is illegal.

11. In Writ Petition No. 12694/2010, seeking regularization in service, learned counsel submitted that employees are entitled to regular pay scale, regular service benefits and all other benefits and various judgments with regard to the concept of regularization were cited.

12. Learned counsel for the petitioners accordingly submitted that the action of the respondents in treating the petitioners as contract employees and denying to them the benefit accruing to a regular employee is illegal, it amounts to exploitation of labour, unfair labour practice and the act is contrary to the statutory provisions such as Industrial Employment (Standing Order) Rules etc. Finally, they sought for a direction to permit them to participate in the process of selection initiated vide Annexure R/1 by granting them the benefit of age relaxation, relaxation in qualification and weightage for the work done by them.

13. Respondents represented by Shri Mukesh K. Agrawal have filed a detailed reply. The reply has been filed in Writ Petition No. 12676/2010(S) and is adopted in each and every case. According to the respondents, initially the MP State Electricity Board was functioning. Subsequently, distribution companies and

transmission companies have been created and the respondents are the said companies. It is indicated in the return that for the purpose of recruiting 2400 Line Attendants on contract basis, the process is initiated by respondent No. 1 and the appointment is being made in accordance to a scheme formulated in this regard as is available at Annexure R/4. It is the case of the respondents that for the present as regular appointment to service on the post of Meter Readers and Line Attendants are not being undertaken, therefore, in accordance to a scheme approved by the competent authority of the State Government vide Annexure R/4 dated 3.8.2010, the present process is being initiated for appointing Line Attendants on contract basis. The qualifications are prescribed in the scheme - Annexure R/4, which contemplates that a candidate should be higher secondary pass i.e... 10th pass and should have a certificate issued by a recognized Industrial Training Institute or from any MPSCVT or NCVT in Electrician, Lineman or Wireman trade. It is pointed out by the respondents that certain criteria for age relaxation and the selection process is indicated. It is the case of the respondents that the work of Line Attendant and Meter Reader are totally different. It is stated that in the advertisement, after the interim orders were passed by this Court, certain modifications were made vide Annexure R/2 and now apart from granting 10% quota to Meter Readers, like the petitioners, total age relaxation is being granted to all the Meter Readers and without insisting upon any age criteria their cases for selection are being considered. However, by pointing out that as the work of a Line Attendant and a Meter Reader is different, the essential qualification of the candidate being holder of an ITI Certificate in the trade of electrician, wireman or lineman cannot be diluted as the work of a Line Attendant and Meter Reader is different. It is emphasized that meter reading is part of the activity to be performed by a Line Attendant apart from various other technical work. It is stated that as a Meter Reader the petitioners were only required to go to the premises of the consumer, record the meter reading, make a report and they were only required to distribute the bills. It is stated that as a contract Meter Reader the petitioners were free to do other work, if they had time and they were not full time employees of the Board. They were granted various incentives for the work performed as per the conditions contained in the agreement available at page 69, in W.P.No. 1651/2010. By referring to the work to be performed by a Line Attendant, it is stated that now as a Line Attendant apart from doing the work of a Meter Reader, the incumbent will have to work for the establishment and installation of electrical lines, they will have to dig holes for putting up of poles, putting up of wires, installation of wires on the electrical poles, they will be required to put the fuse on and off, they will have to undertake the work of looking after shut down/break down etc apart from meter reading. Accordingly, it is stated that as the work of a Line Attendant involves certain technical work, therefore, technical qualification and certificate from ITI is being insisted upon. According to Shri Mukesh Kumar Agrawal, the petitioners have been granted complete age relaxation, 10% quota for them is provided, but taking note of the technical nature of the work to be performed by the Line Attendants, the technical qualification is being insisted upon as it is a

requirement of the statutory provision and is important from the safety aspect also and, therefore, no relaxation in the qualification can be insisted upon. According to Shri Mukesh Kumar Agrawal, the respondent board is taking action in accordance to law as per the work requirement and, therefore, it is well within their right in prescribing the proper technical qualification and other conditions required for appointment to the post in question. It is emphasized that as the appointments are under a specific scheme for contract engagement and not under the regular establishment of the Board, the contention of the petitioners that the action of the respondents is illegal cannot be accepted.

14. Having heard learned counsel for the parties at length and on considering the rival contentions made, it is seen that in all these petitions prayer made by the petitioners are mainly with regard to non-consideration of their claim in the process initiated vide Annexure R/1, for selection or engagement of Line Attendants on contract basis. If the prayer made by the petitioners are seen, it would be seen that they are aggrieved by non-consideration of their cases and non-grant of opportunity to participate in the process of selection without granting them age relaxation, weightage and relaxation/insistence upon the educational qualification. However, at the time of hearing and in the synopsis and written submissions filed in Writ Petition No. 12653/2010(S), various other grounds on the basis of right accruing to the petitioners for regularization, claim of permanent status, other service benefits so also the allegations of unfair labour practice etc has been raised.

15. Infact, during the course of hearing of the writ petition, two fold submissions were made. Apart from making submissions with regard to right of the petitioners to participate in the process of selection initiated vide Annexure R/1, various other grounds were raised on the basis of right accruing to the petitioners by virtue of their long working to claim regularization and permanent status etc.

16. As far as the second ground is concerned, as no specific prayer in this regard is made in the writ petitions and that apart as these questions are already sub judice and pending before various Labour Courts in the State of MP, at the instance of certain union and the employees by virtue of the directions issued by the Division Bench of this Court on 28.6.2010, in Writ Petition No. 1110/2009, it is not appropriate for this Court to go into all these questions in these petitions. The petitioners are granted liberty to prosecute their claims with regard to grant of permanent status, regularization and other service benefits before the appropriate Labour Court where these disputes are pending. In these writ petitions, the only question with regard to entitlement of the petitioners to seek participation in the process of selection for engagement as Line Attendants on contract basis, is being considered.

17. A perusal of the advertisement issued vide Annexure R/1, for appointment on contract basis as Line Attendants, indicates that about 2400 posts of Line Attendants - contract basis, have been notified, reservation is granted to various

categories like Scheduled Caste, Scheduled Tribe, Other Backward Caste candidates; certain qualifications and age criteria have also been fixed. Grievance of the petitioners in this regard are as under:

- (a) That, proper age relaxation is not being granted to them;
- (b) Weightage for the services rendered by them, for long period of time, is not being granted;
- (c) Prescription of educational qualification as an ITI certificate holder in the Trade of Electrician, Lineman and Wireman is contrary to the qualifications prescribed for appointment to the post of Meter Reader.

That apart, additional submission made by Shri A. Trivedi, learned counsel, is with regard to grouping together the post of Line Attendants and Meter Readers and its violation under Article 14 is also to be taken note of.

18. As far as age relaxation to the petitioners are concerned, there is no dispute now in view of the specific stand of the respondents to the effect that all such Meter Readers, who have worked on contract basis would be granted age relaxation and without insisting upon any age criteria they will be permitted to participate in the process of selection. Accordingly, the first ground of grievance made by the petitioners no more survives in view of the fair concession made by the respondents.

19. As far as the ground of non-fulfilling the educational qualifications and the right of the respondents to insist upon appointment/engagement on the basis of the qualification prescribed for appointment to the post of Meter Readers are concerned, this contention of the petitioners seems to be unsustainable.

20. Petitioners have stated that in the regulations framed by the Board for appointment as a Meter Reader, the only qualification prescribed is that the candidate should be 10th Class pass, should be literate and physically fit. Accordingly, the petitioners insist that this qualification can only be insisted upon when appointments are made to the post of Line Attendants on contract basis, and it is the case of the petitioners that the work of Line Attendants and that of Meter Readers are also similar. However, from the facts that have come on record it is clear that appointments in question is being made not on regular basis, in the regular establishment of the respondents, but it is on the basis of a scheme formulated for engagement of Line Attendants on contract basis. The scheme is available as Annexure R/4 and it is a specific contract engagement according to the terms and conditions stipulated in the scheme. Similarly, engagement of the petitioners also as service contractors for meter reading was also in accordance to a scheme formulated in this regard. Appointment of the petitioners as Meter Readers under the Scheme and the selection process now initiated for engagement as Line Attendants is also under a Scheme. These are not regular appointments to the establishment of the respondents and, therefore, the rules and regulations governing regular appointment to the establishment of the Board

would not be applicable. Even though the said question is pending consideration before the Labour Court in the dispute raised by the petitioners, but for the present, this Court is not required to go into the said question in detail. Suffice it to take note of the fact that in the present case, the engagements are being made on contract basis under a Scheme. Neither the Scheme is under challenge nor is any declaration sought for quashing the same. That being so, prescription of qualification for appointment under the Scheme has to be tested by this Court on the ground of reasonableness in prescribing qualification, requirement of qualification for discharging the duties for which the contract engagement is being done and the right of the petitioners to seek appointment on contract basis to the post of Line Attendants. The claim of the petitioners are mainly based on the fact that the work of Line Attendants and Meter Readers are same, but from the material available on record the said contention cannot be accepted. As far as the working of a Meter Reader is concerned, the work of a Meter Reader was to go to the premises of the consumer, record the readings of the meter and to deliver bills after they are prepared by the respondents. In the process, they were given certain incentive in case they found any irregularity in the working of the meter, detected cases of theft or helped in increasing the revenue and for this bonus is given. As far as the work of a Line Attendant is concerned, it is specifically indicated in the advertisement - Annexure R/1, and the work of Line Attendant includes discharging of various duties for maintenance of electric lines and work related to distribution of electricity. The work to be performed as a Line Attendant, as indicated in the advertisement, reads as under:

21. If the aforesaid nature of work is analysed, it would be seen that meter reading is only part of the work to be performed by a Line Attendant apart from various other duties for erection and maintenance of lines, it is because of this technical nature of duties involved that a different qualification is prescribed i.e.... ITI certificate in the Trade of Wireman, Lineman or Electrician. If the nature of duty to be performed by a Line Attendant and that of a Meter Reader are perused, it would be seen that they are entirely different. The work to be performed by a Line Attendant includes certain other technical work over and above that of meter reading and, therefore, it is the employer who is entitled to prescribe an appropriate qualification keeping in view the technical nature of work to be performed by the selected candidate. This Court in the absence of any statutory rule or constitutional provision being shown to be violated in this regard cannot interfere with the essential educational qualification prescribed for such technical work by the competent technical authorities of the electricity transmission and distribution company. The said function is purely an administrative function to be discharged by expert authorities and this Court cannot enter into this area of expertise. Records indicate that apart from the fact that the nature of duty to be performed by a meter reader and a line attendant are entirely different, the prescription of extra qualification for appointment/engagement as a Line Attendant is a reasonable qualification done by the respondents keeping in view various technical aspects of the work, which is to be

performed by the Line Attendant. That being so, if the respondents have prescribed a different qualification over and above the qualification held by a meter reader, this Court cannot interfere into the matter of fulfillment of essential educational qualification, once it is seen that the work to be performed as a Line Attendant does require certain technical knowledge and skill. To that extent, grievance of the petitioners is not at all justified.

22. The contention of the petitioners that the work of a Line Attendant and Meter Reader is identical cannot be accepted. The nature of work available for both the work as seen from the records does not indicate so. Accordingly, I am of the considered view that in fixing a particular essential qualification for selection/engagement as a Line Attendant, if the respondents have insisted upon a technical qualification as is indicated in the advertisement - Annexure R/1, the same cannot be termed as illegal or arbitrary warranting consideration or interference in these writ petitions.

23. It may also be taken note of that petitioners have tried to contend that the selection now initiated vide R/1 is an unfair labour practice and an arbitrary decision to somehow deny benefit to the petitioners. The said contention, prima facie, on the basis of the material available on record does not seem to be correct. However, further consideration in this regard is not to be made in these proceedings as all these questions are to be decided in the Industrial Dispute pending between the parties before the Labour Court. For the present, prima facie assessment indicates that the work of a Meter Reader and a Line Attendant are different and, therefore, the petitioners cannot seek appointment/selection as a Line Attendant, on the basis of the qualifications prescribed for appointment to the post of Meter Reader.

24. Accordingly, with regard to relaxation/non-fulfillment of educational qualifications, interference into the matter cannot be made by this Court.

25. As far as grant of weightage for the work performed by the petitioners are concerned, respondents have stated that in pursuance to the interim order passed by this Court, 10% quota is fixed for duly qualified Meter Readers, who fulfill the educational qualifications prescribed in Annexure R/1 for appointment. As the petitioners are not insisting upon any quota to be fixed, interest of justice requires that taking note of the long service rendered by the petitioners, if the petitioners fulfill the educational qualifications as prescribed in Annexure R/1, due to the work done by the petitioners 10% weightage be granted subject to their fulfilling all the other conditions prescribed in the advertisement except the age condition. To that effect petitioners are entitled to relief.

26. Now, the argument advanced by Shri A. Trivedi with regard to grouping together of the two posts and its consequential prejudice has to be taken note of. As already indicated hereinabove, there is no grouping together of both the posts, as claimed by the petitioners. The respondents are engaging Line Attendants on contract basis and they are taking dual work of Meter Reader and

Line Attendants. Apart from giving to them certain work, which were being performed by Meter Readers, additional technical work as indicated in the advertisement are being given. In the absence of any statutory rule or regulation being shown to be violated, if such grouping together is made and in the absence of any provision being shown to this Court as to how and on what basis such grouping is prohibited, merely on the ground that grouping together would cause adverse affect to some of the Meter Readers interference into the matter is not called for.

27. According to the respondents, the work of a Meter Reader is only required to be done during a particular period and after the said work is done, a Meter Reader is free to carry out any other profession or vocation. If taking note of the nature of the work to be performed by a Meter Reader and the technical work to be done by a Line Attendant, if both the work is grouped together by the respondents, this Court cannot interfere into the matter merely because it causes inconvenience to the petitioners or it adversely affects their right to work as Meter Readers. The said contention cannot be a ground for holding the grouping together to be in violation to Article 14 of the Constitution. This is purely an administrative function and if the administrative action in this regard is undertaken by the competent authority, in the absence of constitutional or mandatory statutory provisions being shown to be violated, interference into the matter cannot be made.

28. During the course of hearing of this writ petition, Shri A. Trivedi did not point out any statutory or constitutional provision which is violated, except for contending that this action is in violation to Article 14 of the Constitution. This is a very vague and an unspecified assertion and, therefore, on this count interference into the matter is not warranted.

29. In some of the petitions, candidates belonging to the Scheduled Caste and Scheduled Tribe have sought age relaxation as per the government policy. Once the respondents have stated that they are not insisting upon any age criteria as far as the petitioners are concerned, the said question need not be gone into now.

30. That apart, certain petitioners in Writ Petition No. 14198/2010 are substation operators and as their cases are also being considered at par with the Meter Readers, all the benefits being granted to the Meter Readers by virtue of the return filed by the respondents and this order, shall also be extended to substation operators also, and such of the sub-station operators, who fulfill the essential qualifications prescribed in the advertisement alongwith other qualifications prescribed, would be eligible to participate in the process of selection.

31. In view of the above, these petitions are allowed in part. Granting liberty to the respondents to proceed to make engagement/selection on the post of Line Attendants, on contract basis, in accordance to the advertisement -Annexure R/1, the following directions are issued while conducting the selection process

and finalizing the selection already done:

(a) All such Meter Readers, who have applied for selection will be granted age relaxation and without insisting upon their fulfillment of the age criteria laid down in the advertisement - Annexure R/1, their cases shall be considered without any restrictions.

(b) However, in case it is found that any of the Meter Readers does not fulfill the educational qualifications prescribed under the advertisement - Annexure R/1, their candidature can be rejected or cancelled and they can be deprived from participating in the process of selection. Only such candidates would be entitled to participate in the process of selection, who fulfill the minimum educational qualifications prescribed in the advertisement - Annexure R/1.

(c) Such of the Meter Readers, who fulfill the educational qualifications and also the other conditions of physical test etc, as prescribed in the advertisement - Annexure R/1, shall be considered for appointment by granting them 10% weightage to their overall merit and while preparing their merit list, 10% extra marks be granted to them.

(d) However, if it is found that the work done by any of the Meter Reader is less than three years, no such weightage need be granted. Weightage of 10% will be only granted to such of the Meter Readers, who have worked atleast for a period of 3 years as Meter Readers. The aforesaid criteria is being prescribed by this Court keeping in view the interest of justice required, and the fact that the petitioners have been working in the respondents' establishment for a long period of time.

(e) While considering the case of sub-station operators, similar benefit as is being granted to such Meter Readers shall also be granted.

32. With the aforesaid, these petitions stand allowed and disposed of.