
(2015) 07 AP CK 0002

In the Andhra Pradesh High Court

Case No : Writ Petition No. 9566 of 2011

M. Ananthagiri and Others

APPELLANT

Vs

The A.P. Central Power Distribution Company Ltd. and Others

RESPONDENT

Date of Decision : 28-07-2015

Acts Referred:

Citation : (2015) 07 AP CK 0002

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : Chandraiah Sunkara, for the Appellant; T. Janak Raj for J. Koteswari Devi, Advocates for the Respondent

Final Decision : Dismissed

Judgement

C.V. Nagarjuna Reddy, J—This writ petition is filed for a mandamus to declare the action of the respondents in not regularising the services of the petitioners as watchmen/security guards at Electricity Revenue Offices of the respondents as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to regularise their services as watchmen/security guards in terms of order, dated 11.08.2010, in W.P. No. 21947 of 1999.

2. I have heard Sri Chandraiah Sunkara, learned counsel for the petitioners, and the learned counsel representing Smt. J. Koteswari Devi.

3. In the affidavit filed in support of the writ petition, it is stated that petitioner No. 1 has been working as contract labour in Electricity Revenue Office, Penukonda from 1994 onwards, that petitioner No. 2 has been working as contract labour for watch and ward duties at Sub-division office, APSEB, Penukonda from 01.07.1992 onwards, that petitioner No. 3 worked as contractor labour for watch and ward duties from 19.05.1986 to 31.03.2006 at the office of the Assistant Accounts Officer, Electricity Revenue Officer, Penukonda and also at ERO, Puttaparthi from 18.11.2004 to 31.03.2006, that petitioner No. 4. has been working as telephone operator from 01.12.1995 in the office of respondent

No. 2 and that petitioner No. 5 is working as contract labour for watch and ward duties from 01.09.1994 at 33/11 KV sub-station, Parigi, Asst. Accounts Office, REO, Hindupur. The grievance of the petitioners is that though they have been working for the last 15 years as watch and ward contract labour, their services have not been regularised.

4. A detailed counter affidavit has been filed by respondent No. 2, wherein it is inter alia stated that petitioner Nos. 1 to 3 have filed W.P. No. 27638 of 1997 for regularisation in terms of B.P. Ms. No. 36, dated 18.05.1997, that in pursuance of the orders passed by this Court in the said writ petition, they were permitted to attend interview on 10.04.1998 against 50% of vacancies earmarked for initial recruitment cadre existing as on 18.05.1997, that on verification of the documents produced by the petitioners, they were found not eligible for being appointed on regular basis and that accordingly, their applications were rejected and orders communicated to them. It is further averred that the petitioners are working as contract labour through a contractor and that therefore, the question of their absorption/regularisation does not arise. Referring to order in W.P. No. 21947 of 1999, it is stated that a writ appeal was filed against the said order.

5. On the petitioners own showing, they have not been engaged by the respondents. On the contrary, they are being engaged by the contractors and working as contract labour in connection with reserve works of the respondents. It is not the pleaded case of the petitioners that except B.P. Ms. No. 36, dated 18.05.1997, the respondents have envisaged any other scheme providing for absorption/regularisation of temporary workers either working directly under them or under the contractor.

6. The Supreme Court in Secretary, State of Karnataka and Others Vs. Umadevi and Others, AIR 2006 SC 1806 : (2006) 6 CompLJ 1 : (2006) 4 JT 420 : (2006) 2 LLJ 722 : (2006) 4 SCALE 197 : (2006) 4 SCC 1 : (2006) 3 SLJ 1 : (2006) AIRSCW 1991 : (2006) 3 Supreme 415 , has come down heavily on the regularisation of employees entering organisations through backdoor, thereby denying equal opportunities to various other eligible persons to compete for public posts. The ratio laid down in Secretary, State of Karnataka and Others Vs. Umadevi and Others, AIR 2006 SC 1806 : (2006) 6 CompLJ 1 : (2006) 4 JT 420 : (2006) 2 LLJ 722 : (2006) 4 SCALE 197 : (2006) 4 SCC 1 : (2006) 3 SLJ 1 : (2006) AIRSCW 1991 : (2006) 3 Supreme 415 is followed in Official Liquidator Vs. Dayanand and Others, (2008) 4 CompLJ 401 : (2008) 11 JT 467 : (2009) 3 LLJ 305 : (2008) 13 SCALE 558 : (2008) 10 SCC 1 : (2009) 1 SCC(L&S) 943 and subsequent host of judgments. Therefore, issuance of a mandamus as sought for by the petitioners to regularise their services would run contrary to the law of the land.

7. Though in W.P. No. 21947 of 1999, a learned Single Judge of this Court has directed the A.P. Transmission Corporation Limited to take up the cases of the petitioners therein and other similarly placed employees for regularisation against the vacant posts of watchmen/security guards at Electricity Revenue

Offices, a perusal of the said order shows that the learned Judge has not noticed the law laid down by the Supreme Court in Secretary, State of Karnataka and Others Vs. Umadevi and Others, AIR 2006 SC 1806 : (2006) 6 CompLJ 1 : (2006) 4 JT 420 : (2006) 2 LLJ 722 : (2006) 4 SCALE 197 : (2006) 4 SCC 1 : (2006) 3 SLJ 1 : (2006) AIRSCW 1991 : (2006) 3 Supreme 415 . Therefore, I do not feel persuaded to issue the same directions as were given by the learned Judge in the said writ petition.

8. All that the petitioners would be entitled to from this Court is an observation that as and when the respondents notify the vacancies, they are entitled to apply and compete with others subject to their eligibility for being considered for such vacancies.

9. Subject to the above observations, the writ petition is dismissed.

10. As a sequel to dismissal of the writ petition, W.P.M.P. No. 11845 of 2011 shall stand disposed of as infructuous.