

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21172 of 2001

**DATED: 28-02-2006**

**Between:**

J.V.T.Krishna Murthy petitioner

And

Visakapatnam Port Trust

Rep by its Chairman, Visakapatnam and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 21172 OF 2001

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not promoting the petitioner as upgraded Tally Clerk and Assistant Quarry Foreman and for consequential reliefs.

The facts in brief, necessary for disposal of the present writ petition are as under.

The petitioner claims that he belongs to Schedule Tribe Community and was appointed as Kalasi by order dated 28.09.1988 and his probation was declared by order dated 16.10.1989. Thereafter the petitioner was promoted as Coupling Porter

Grade II by order dated 4.11.1989. While so, in the year 1991 one post in the category of Tally Clerk fell vacant under Schedule Tribe quota and the petitioner along with other eligible candidates appeared for written test and interview. Vide letter dated 13.09.1991, petitioner was directed to appear before the Vigilance Officer along with original school and caste certificates for verification. Thereafter, petitioner was appointed as Tally Clerk on adhoc basis vide order dated 15/16.11.1991 subject to verification of his caste certificate. While so, on receipt of certain complaints with regard to genuineness of petitioner's social status, the Mandal Revenue Officer issued a notice dated 03.08.1996. In view of the verification of the petitioner's social status, the case of the petitioner for regularisation was not considered and his juniors were regularised as Upper Tally Clerks. Then the petitioner issued a legal notice dated 23.10.1997, which was answered by respondents by reply dated 9.10.1998. Thereafter, the Traffic Manager vide letter dated 12.07.1999 directed the petitioner to produce his original caste certificate. In turn, the petitioner submitted his caste certificate on 4.8.1999. Thereafter, no action was taken in the matter,

in spite of repeated representations of the petitioner. Hence, the present writ petition seeking regularisation of petitioner in the post of Tally Clerk on par with his juniors.

Per contra, a counter affidavit was filed on behalf of the respondents *inter alia* stating that after selection, the certificates produced by the petitioner were sent for verification to the Director of Social Welfare and that the petitioner is not cooperating with the officials concerned for verification of his social status. It is further stated that vide letter dated 22.9.1999, the District Collector, Visakapatnam was requested to hold an inquiry into the social status of the petitioner and the report is awaited. It is thus contended that the appointment of the petitioner is purely on adhoc basis and is subject to verification of his social status and in view of the pendency of proceedings before the District Collector, his case cannot be considered for regularisation.

Now petitioner filed a petition in W.P.M.P. No. 3795 of 2006 seeking permission to implead the concerned Commissioner, Tribal Welfare Department, District Collector, Visakapatnam, Mandal Revenue Officer and Revenue Divisional officer. The said petition was ordered and the concerned authorities were brought on record as respondents 3 to 6.

Learned counsel for petitioner submitted that petitioner has approached the concerned authorities and submitted all the material and in spite of the same till date

no orders are passed determining the social status of the petitioner. It is thus prayed that the District Collector, Visakapatnam may be directed to conduct the inquiry and determine the social status of the petitioner expeditiously.

Heard learned counsel for petitioner, learned Standing Counsel for respondent Port Trust and learned Government Pleader for Social Welfare. The petitioner seeks regularisation of his services as Upgraded Tally Clerk and Assistant Quarry Foreman under Scheduled Tribe quota vacancy and the verification of the social status of the petitioner is pending before the District Collector, Visakapatnam, who is competent authority under the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993.

Hence, I deem it appropriate to dispose of the writ petition directing the 4<sup>th</sup> respondent-District Collector to conduct an inquiry and after affording reasonable opportunity to the petitioner pass appropriate orders expeditiously and communicate the same to the petitioner. In the event, the report of the District Collector is in favour of the petitioner, the first respondent is directed to consider the case of the petitioner for regularisation, if he is otherwise eligible.

Subject to above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

28.02.2006

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