

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

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WRIT PETITION NO:2254 of 2000

Between:

M.Manoranjan Babu and others

..... PETITIONER

AND

The AP TRANSCO

.....RESPONDENTS

Counsel for the Petitioners:NONE APPEARED

Counsel for the respondents:MR. P.R.BALARAMI REDDY

The Court made the following :

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ORDER:

This writ petition is filed for a writ of mandamus to direct respondent No.1 to absorb the petitioners as Revenue Cashiers in pursuance of B.P.Ms.No.36, dated 18.05.1997 read with B.P.Ms.No.271, dated 31.12.1997 issued by respondent No.1 Corporation.

The petitioners in their affidavit averred that they were appointed as Volunteers (attending to the duties of Revenue Cashiers) by respondent No.2 for collecting the electricity charges on behalf of respondent No.1; that an agreement was entered into between respondent Nos.1 and 2 on 03.06.1988 in pursuance of which respondent No.2 has been collecting consumption charges from the consumers of respondent No.1 and that in pursuance of the said agreement, respondent No.2 was to employ certain Volunteers and accordingly, the petitioners were appointed by respondent No.2 vide letters, dated 07.07.1993, 01.01.1996, 24.09.1994, 11.08.1993 and 08.07.1993 respectively. The petitioners further averred that though they were named as Volunteers, they were discharging the duties of collection of consumer current charges thereby discharging the duties of Revenue Cashiers. The petitioners have therefore, sought for a direction to respondent No.1 to regularize their services in terms of B.P.Ms.No.36, dated 18.05.1997 read with B.P.Ms.No.271, dated 31.12.1997.

In the counter-affidavit filed by the Superintending Engineer, Operation Circle, Guntur of respondent No.1 Corporation, it is *inter alia* averred that all the Revenue Cashiers functioning under respondent No.1 Corporation are its regular employees but the petitioners were employed by a voluntary organization and there is no

privity of contract between respondent No.1 and the petitioners. It is further averred that neither the erstwhile APSEB nor respondent No.1/APSPDCL had any direct control over the petitioners, who are working as volunteers engaged by respondent No.2. It is also averred that the petitioners do not come within the definition of contract labour as their services were not only meant for the works of APSPDCL (successor of APSEB for distribution of electricity in Southern Region) but also for several other works to be accepted by the private accounting agencies and, therefore, BP.Ms.Nos.36 and 271 have no application to the cases of the petitioners.

At the hearing, there is no representation for the petitioners.

From the very pleadings of the petitioners, it is quite evident that they were engaged as Volunteers by respondent No.2 organisation. Thus, I find force in the stand taken by respondent No.1 that there is no privity of contract between the petitioners and respondent No.1 or APSPDCL. The two Board Proceedings on the strength of which the petitioners have been claiming absorption were issued in order to absorb/appoint different categories of workers, such as, Ex-Casual Labour, Village Electricity Workers and Contract Labour and therefore, they do not *ex facie* apply to the petitioners as they failed to show that they fall within any of the above mentioned three categories whose absorption is envisaged against 50% vacancies earmarked by respondent No.1.

For the above-mentioned reasons, I do not find any merit in the writ petition and the same is accordingly, dismissed.

As a sequel to dismissal of main petition, WPMP.No.2851 of 2000 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

31st DECEMBER, 2008.

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