

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO. 2623 OF 2020
AND
WRIT PETITION NO.22527 OF 2022

WP NO.2623 OF 2020:

Between:

1. Kota Rajashekhar S/o Venkateshwarlu, aged 28 years,
Occupation : Contract Labour,
R/o H.No. 22-5-154, Jayamma Colony, Paloncha,
Khammam District, Telangana State, PIN - 507115
SC, Service : 2014 to till date
EPF No. : NZWGL 003127 00 00 000 5278
UAN No. 100594 079435
2. Kontham Yakaiah S/o Venkataiah, aged 33 years,
Occupation : Contract Labour,
R/o H.No. 1-42, Chagal Village,
Ghanpur Mandal, Warangal District, Telangana State
BC-D, Service : 2014 to till date
EPF No. : NZWGL 003127 00 00 000 3867
UAN No. 100432 622527
3. Challa Sarotham Reddy S/o Rajaiah, aged 46 years,
Occupation : Contract Labour,
R/o H.No. 4-95/1, Gangaram Village,
Kalvasrampur Mandal, Peddapalli,
Karimnagar District, Telangana State.
OC, Service : 2015 to till date
EPF No. : NZWGL 003127 00 00 000 5290
UAN No. 100593 840401
4. Y. Gurva Reddy S/o Ranga Reddy, aged 42 years,
Occupation : Contract Labour,
R/o H.No. 3-100, Old Anjanapuram,
Singabhupalem Panchayath Post,
Sujatha Nagar Mandal, Kothagudem District,
Khammam, Telangana State - 507120.
OC, Service : 2014 to till date
EPF No. : NZWGL 003127 00 00 000 4018
UAN No. 100432 622267
5. P. Praveen Kumar S/o Krishna Murthy, aged 45 years,
R/o H.No. 20-5-89/7, Contractors Colony, Paloncha,
Bhadradi Kothagudem District - 507115,
(Erstwhile Khammam District), Telangana State,
OC, Service : 01-03-2016 to 31-03-2017
EPF A/c. No. 101549158147
6. R. Mallesh S/o Raju, aged 24 years,
R/o H.No. 8-1-153/1, Alluri Centre,
Gattaigudem, KSP Road, Paloncha,
Bhadradi Kothagudem District - 507115,
(Erstwhile Khammam District), Telangana State,
BC-D, Service : 01-04-2016 to 31-03-2017
EPF A/c. No. 101194580666

... Petitioners

(Petitioners No. 1 to 3 are working at KTPP and
the Petitioners No. 4 to 6 are working at KTPS)

AND

1. Telangana State Power Generation Corporation Ltd, Vidyuth Soudha, Hyderabad -500082, rep. by its Chairman and Managing Director
2. The Chief Engineer (O and M), Kakathiya Thermal Power Project (KTPP), T.S. Genco Ltd., Bhupalapally, Jayashankar Bhupalapally District (Erstwhile Warangal District)
3. The Divisional Engineer (Operation), Kakathiya Thermal Power Project (KTPP), T.S. Genco Ltd., Bhupalapally, Jayashankar Bhupalapally District (Erstwhile Warangal District)
4. The Chief Engineer (O and M), Kothagudem Thermal Power Station (KTPS), T.S. Genco Ltd., Paloncha, Bhadradi Kothagudem District (Erstwhile Khammam District) -507 115.
5. The Divisional Engineer (Operation), Kothagudem Thermal Power Station (KTPS), T.S. Genco Ltd., Paloncha, Bhadradi Kothagudem District (Erstwhile Khammam District) - 507 115.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction one particularly one in the nature writ of mandamus declaring the action of the Respondents in not absorbing the services of the Petitioners as Artisans, on par with the other Outsourced Personnel, in terms of the T.G.O.O. No. 216 and 217, dated 29/07/2017 issued by the 1st Respondent as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the Respondents to consider the Petitioners' cases for absorption as Artisans, on par with the other Outsourced Personnel, in terms of T.G.O.O. No. 216 and 217, dated 29/07/2017 issued by the 1st Respondent, with all consequential benefits

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to consider for absorbing the services of the Petitioners in regular vacancies on par with similarly situated and absorbed outsourced personnel, pending the above writ petition

Counsel for the Petitioners: SRI CHANDRAIAH SUNKARA

**Counsel for Respondents: SMT. A. DEEPTHI,
SC FOR TSGENCO**

WP NO: 22527 OF 2022

Between:

1. More Aravind S/o Venkataiah, aged 26 years,
Occupation : Skilled Worker in KTPP,
R/o H.No. 4-91, Kompally, S.C. Colony,
Bhoopalapally Post & Mandal
Jayashankar Bhoopalapally District,
(Erstwhile Warangal District) , Telangana State.
SC (Caste : Madiga), Diploma in EEE,
ESI No. : 5212762286, UAN No. : 100967901912
Service : 01-09-2015 to 31-03-2018
2. Puliya Shankaraiah, S/o. Rajam, aged 45 years,
Occupation : Skilled Worker in KTPP,
R/o H.No. 7-285, Reddy Colony, Bhoopalapally Post & Mandal
Jayashankar Bhoopalapally District,
(Erstwhile Warangal District), Telangana State.
SC (Caste : Madiga),
ESI No. : 5212762300, UAN No. : 100967901931
Service : 13-12-2011 to 31-03-2018
3. Geeravena Thirupathi S/o Komuraiah, aged 32 years,
Occupation : Skilled Worker in KTPP,
R/o H.No. 12-129, Subhash Colony, Bhoopalapally Post & Mandal
Jayashankar Bhoopalapally District,
(Erstwhile Warangal District), Telangana State.
BC-D, B.Com., ITI Fitter
ESI No. : 5212762297, UAN No. : 100967903249
Service : 03-06-2013 to 31-03-2018
4. Medi Sai Krishna S/o Venkateshwarlu, aged 26 years,
Occupation : Semi-Skilled Worker in KTPP,
Chelpur Village, Ghanpur Mandal,
Jayashankar Bhoopalapally District,
(Erstwhile Warangal District) , Telangana State.
BC-B (Goud), Inter
ESI No. : 5212762292, UAN No. : 100967902364
Service : 01-09-2015 to 31-03-2018
5. Gaddam Harish S/o Gangadhar, aged 27 years,
Occupation : Skilled Worker in KTPP,
Ramnagar, Bhoopalapally Post & Mandal
Jayashankar Bhoopalapally District,
(Erstwhile Warangal District) , Telangana State.

BC-D (Mudiraj), B.Tech (Mechanical)
ESI No. : 5212762286, UAN No. : 100967901908
Service : 01-10-2015 to 31-03-2018

6. Taduri Rakesh S/o Anjaneyulu, aged 26 years,
Occupation : Semi-Skilled Worker in KTPP,
Chelpur Village, Ghanpur Mandal,
Jayashankar Bhoopalapally District,
(Erstwhile Warangal District), Telangana State.
BC - B (Mera), B.Com.
ESI No. : 5212762294, UAN No. : 100967901920
Service : 01-09-2015 to 31-03-2018
7. Rapala Sandeep S/o Rajaiah, aged 25 years,
Occupation : Skilled Worker in KTPP,
R/o Goralaveedu Village, Bhoopalapally Post & Mandal
(Erstwhile Warangal District), Telangana State.
BC-A (Chakali), SSC, ITI
ESI No. : 5212762306, UAN No. : 100967901949
Service : 05-10-2015 to 31-03-2018

... Petitioners

And

1. Telangana State Power Generation Corporation Ltd,
having its Corporate Office at
Vidyuth Soudha, Hyderabad - 500082,
rep. by its Chairman & Managing Director
2. The Director (HR), TS Genco Ltd.,
Vidyuth Soudha, Hyderabad - 500082,
3. The Chief Engineer (O&M), Kakatiya Thermal
Power Project (KTPP), T.S. Genco Ltd., Bhoopalapally,
Jayashankar Bhoopalapally District
(Erstwhile Warangal District).

... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate writ, order or direction one particularly one in the nature writ of mandamus declaring the action of the Respondents in not absorbing

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the services of the Petitioners as Artisans, on par with the other Outsourced Personnel, in terms of the T.G.O.O. No. 216 and 217, dated 29-07-2017 issued by the 1st Respondent as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the Respondents to consider the Petitioners' cases for absorption as Artisans, on par with the other Outsourced Personnel, in terms of T.G.O.O. No. 216 and 217, dated 29-07-2017 issued by the 1st Respondent, with all consequential benefits

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to consider the Petitioners cases for absorption as Artisans, in regular vacancies on par with similarly situated and absorbed outsourced personnel, in terms of T.G.O.O. No. 216 and 217, dated 29-07-2017 issued by the 1st Respondent, pending the above writ petition

Counsel for the Petitioners: SRI CHANDRAIAH SUNKARA

**Counsel for Respondents: SMT. A. DEEPTHI,
SC FOR TSGENCO**

The Court made the following: COMMON ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.2623 OF 2020
AND
WRIT PETITION No.22527 OF 2022

COMMON ORDER :

Heard learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents, and perused the material on record.

2. It is submitted by the learned counsel on either side that subject matter of these writ petitions is squarely covered by the common order passed by a Division Bench of this Court in W.P.No.20840 of 2017 and batch dated 03.10.2018, as such, these writ petitions may be disposed of in terms thereof.

3. Therefore, following the common order dated 03.10.2018 in W.P.No.20840 of 2017 and batch, in terms thereof, these writ petitions are disposed of as under without any order as to costs:

(i) persons who claim that they fulfil the criteria laid down in the guide-lines/orders issued by the Corporation/Companies, may approach the Committee and satisfy the Committee that they are covered by the Scheme and that they fulfil the eligibility criteria. The Committee may look into the same and take a decision within 12 weeks;

(ii) persons who were not in employment on the cut-off date viz., 04.12.2016 cannot either seek the benefit of the scheme or challenge the same. The scheme prescribing a cut-off date is a product of a settlement reached under the

Industrial Disputes Act, 1947. The settlement was under Section 12 (3) of the Act. Therefore, one of the conditions prescribed in the scheme viz., the cut-off date, cannot be challenged. Hence, the challenge to the prescription of a cut-off date contained in the scheme is rejected. However, these persons are given liberty to go before the Labour Court or any other appropriate Forum prescribed by any Special Enactments, if they have a right of absorption or regularisation conferred by such Special Enactments;

(iii) persons who are out of the scheme on account of non-payment of contribution to the Employees Provident Fund, cannot also seek the benefit of the Scheme solely on the ground that the fault lay with the Distribution Companies. If these persons have any right conferred by any special enactment for regularization and/or absorption, they are given liberty to move the Fora prescribed under those enactments; and

(iv) the claims of those engaged by the Civil Contractors for construction purposes are rejected.

As a sequel thereto, miscellaneous petitions, if any, pending in these writ petitions stand closed.

SD/-T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman and Managing Director, Telangana State Power Generation Corporation Ltd and 4 others, Vidyuth Soudha, Hyderabad -500082.
2. The Chief Engineer (O and M), Kakathiya Thermal Power Project (KTPP), T.S. Genco Ltd., Bhupalapally, Jayashankar Bhupalapally District (Erstwhile Warangal District)
3. The Divisional Engineer (Operation), Kakathiya Thermal Power Project (KTPP), T.S. Genco Ltd., Bhupalapally, Jayashankar Bhupalapally District (Erstwhile Warangal District)

4. The Chief Engineer (O and M), Kothagudem Thermal Power Station (KTPS), T.S. Genco Ltd., Paloncha, Bhadradi Kothagudem District (Erstwhile Khammam District) -507 115.
5. The Divisional Engineer (Operation), Kothagudem Thermal Power Station (KTPS), T.S. Genco Ltd., Paloncha, Bhadradi Kothagudem District (Erstwhile Khammam District) - 507 115.
6. The Director (HR), TS Genco Ltd., Vidyuth Soudha, Hyderabad 500082,
7. The Chief Engineer (O and M), Kakatiya Thermal Power Project (KTPP), T.S. Genco Ltd., Bhoopalapally, Jayashankar Bhoopalapally District (Erstwhile Warangal District).
8. One CC to Sri Chandraiah Sunkara Advocate [OPUC]
9. One CC to Smt. A. Deepthi, SC for TSGENCO (OPUC)
10. Two CD Copies
11. One Spare Copy

MBC

BS



HIGH COURT

DATED: 06/06/2022



COMMON ORDER

WP NO. 2623 OF 2020
AND
WP NO. 22527 OF 2022

DISPOSING OF THE WRIT PETITIONS

WITHOUT COSTS .

PRK
07/06

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