

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T RAJASEKHAR RAO

WRIT PETITION NO: 4691 OF 2024



Between:

1. Meesala Muniprasad, S/o. Chinna Munaiah, Age. 36 years, Occ. Junior Plant Attendant, R/o. Q. No.G-303, W Reddy Nagar, RTPP, Kalamalla, Yarraguntia Mandal, YSR Kadapa District, Andhra Pradesh-516312.
2. Battala Venkata Siva Kumar, S/o. Venkata Sivudu, Age 33 years, Occ Junior Plant Attendant, R/o. 3/623-4, Gayatri Nagar, YMR Colony, Proddatur, YSRKADAPA District, Andhra Pradesh-516360.

Petitioner/s

AND

1. THE AP GENCO, Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
2. The Chief General Manager (Adm,IS and .ERP), AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
3. The Dr. MVR Rayalaseema Thermal Power Project, Rep. by its Chief Engineer (O and M), V.V.Reddy.Nagar, Kadapa, YSR Kadapa District, Andhra Pradesh.

Respondent

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 a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus –

i. declaring the action of the 2nd respondent in issuing Lr.No.CGM(Adm.IS and ERP)/GM(HR-Legal)/PO.H/H1/82/2019, dt.06-02-2024 by giving approval to the 3rd respondent for conversion of so called eligible Shunters (PA) of Stream/Channel-4 as Operator Gr-II (LOCO) (PA) of Stream/Channel-3 as illegal, arbitrary, discriminative, non-application of mind, misfeasance, malfeasance, nonfeasance, opposed to the doctrine of promissory estoppel and doctrine of legitimate expectation, contrary to the letter and spirit of the Genco Office Orders of the 1st respondent issued vide G.O.O. No.561/CGM(HR)/2006, dt.08-03-2007 and G.O.O. No.165/JS(Per)/2018, dt. 16-05-2018 besides violative of Arts. 14 and 16 of the Constitution of India, and

ii. consequently, set aside the same besides directing the respondents to fill-up the posts of Operator Gr-II (LOCO) (PA) of Stream/Channel-3 from Junior Plant Attendant (JPA) cadre by way of appointment by transfer strictly in accordance with Genco Office Orders of the 1st respondent issued vide G.O.O. No.561/CGM(HR)/2006, dt.08-03-2007 81G.O.O. No.165/JS(Per)/2018, dt. 16-05-2018.

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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 suspend the operation of approval given by the 2nd respondent to the 3rd

respondent vide Lr.No.CGM(Adm.IS & ERP)/GM(HR-Legal)/ PO.H/H1/82/2019, dt.06-02-2024 for converting of so called eligible Shunters (PA) of Stream/Channel-4 as Operator Gr-II (LOCO) (PA) of Stream/Channel-3 in order to enable the respondents to fill-up the posts of Operator Gr-II (LOCO) (PA) of Stream/Channel-3 strictly in accordance with Genco Office Orders of the 1st respondent issued vide G.O.O. No.561/CGM(HR)/2006, dt.08-03-2007 & G.O.O. No.165/JS(Per)/2018, dt.16-05-2018 and pass, Pending disposal of WP 4691 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri PEETA RAMAN Advocate for the Petitioners, the Court made the following

ORDER

"There is no representation for the respondents.

It is the apprehension of the petitioners that, by virtue of letter No.CGM (Adm. IS & ERP)/ GM(HR-Legal)/PO.H/III/82/2019, dated 06.02.2024, the respondents may appoint third parties by Channel-4 to Channel-3 by way of conversion , which is contrary to G.O.O.No.561 dated 08.03.2007 and G.O.O.No.165 dated 16.05.2018.

Hence, there shall be interim suspension, as prayed for, for a period of four (4) weeks.

Post after four(4) weeks."

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

For A

SECTION OFFICER

To,

1. The Chairman and Managing Director, AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
2. The Chief General Manager (Adm,IS and .ERP), AP GENCO, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh-520 004.
3. The Dr. MVR Rayalaseema Thermal Power Project, Rep. by its Chief Engineer (O and M), V.V.Reddy Nagar, Kadapa, YSR Kadapa District, Andhra Pradesh. (addressess 1 to 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI. PEETA RAMAN Advocate [OPUC]
5. One Spare Copy.

psk

HIGH COURT

TRR,J

DATED:22/02/2024

POST AFTER FOUR WEEKS

ORDER

WP.No.4691 of 2024

INTERIM SUSPENSION

