

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI****WRIT PETITION NO: 24842 of 2005**

B.Ganapathi Rao, E.G.District. ...Petitioner
Vs.
The Govt of A.P. rep.by Secretary Energy Dept ...Respondent(s)
Hyd and Others)

Advocate for Petitioner: G V SHIVAJI
Advocate(s) for Respondent(s): GP FOR ENERGY, V V SATISH
(SC for APEPDCL), P ANAND
SESHU (SC FOR APEPDCL)

CORAM : SRI JUSTICE CHALLA GUNARANJAN
DATE : 12th February 2026

ORDER:

By present writ petition, petitioner seeks regularization of his service as Shift Operator with respondent Distribution Company, despite he being appointed by 4th respondent contractor.

2. Petitioner claims that he possessed ITI (Electrical) and has been working with 4th respondent contractor, who in turn placed him to work as Shift Operator at 33/11KV Sub-Station, Peravaram, Atreyapuram Mandal, East Godavari District. Petitioner had been working since December, 2002 at aforesaid

Sub-Station. Since the nature of work that is undertaken at aforesaid station being perennial in nature, though he was appointed through the 4th respondent, he claims to be entitled to be considered for regularization in aforesaid post of Shift Operator with the respondent utility.

3. Heard Sri M.Ratan Harsha, learned counsel, representing Sri G.Shivaji, learned counsel for petitioner on record and Sri Y.Nagendra, learned counsel, representing Sri V.V.Satish, learned standing counsel for respondents on record.

4. Learned counsel for petitioner, while reiterating the averments made in the writ affidavit, contended that petitioner continues to work as Shift Operator even as on today and as the work is perennial in nature, he is entitled to be considered for Regularization. Petitioner, in support of his submissions, placed reliance on the judgment of Hon'ble Apex Court in **Dharam Singh & Others v. State of U.P. and another**¹.

5. Per contra, learned counsel for respondents contends that the appointment of petitioner as Shift Operator was by the 4th respondent, a private contractor and insofar as petitioner and

¹ 2025 SCC OnLine SC 1735

the utility, there is no direct privity of contract, therefore, the very writ petition itself is not maintainable. Further, he also contends that there is no regular post or vacancy that of Shift Operator for the utility to regularize the services. To buttress his argument, regarding maintainability of writ petition, reliance has been placed on the judgment passed by the Division Bench of this Court in **Tavva Subba Reddy v. State of A.P. and others**².

6. Admittedly petitioner has been working with 4th respondent as contract labour, who was in turn placed at the sub-station of the utility as Shift Operator. For all purposes, the employer qua petitioner is only 4th respondent but not the utility. The Hon'ble Division Bench in **Tavva Subba Reddy**~~Error: Reference source not found~~ had an occasion to consider the very same issue in relation to the grievance of one of Shift Operator, who incidentally challenged the notice of termination issued by the contractor. In that context, this Court had held that in the absence of any relationship of employer and employee between the Shift Operator and Utility, the writ petition would not have been maintained at all. In that view of the matter, following the ratio laid

² W.A. No.467 of 2023, dated 14.07.2023

down therein, this Court has no option other than to dismiss the writ petition to be not maintainable.

7. Accordingly, this writ petition is dismissed. No costs.

As a sequel, miscellaneous petitions pending in this case, if any, shall stand closed.

CHALLA GUNARANJAN, J
SS