

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5th DAY OF OCTOBER 2010

BEFORE

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY

WRIT PETITION NO. 4854/2008 (S-RES)

AND

Misc.W. 2636/2009

IN W.P.No. 4854/2008 (S-RES)

BETWEEN

- 1 AMBARISH M R
S/O REVAPPA GOWDA
AGED ABOUT 25 YEARS
C/O B.Y.SHANMUKAPPA
H.NO.EB.60(1-1)
MESCOM GUEST HOUSE
KUNJIBETTU, UDUPI 576102
- 2 K SURESH SHETTY
S/O T SRIDHAR SHETTY
AGED ABOUT 37 YEARS
KEDDOOR HEBBADI HOUSE
KEDDOOR POST AND VILLAGE
KUNDAPUR TALUK
UDUPI DISTRICT 576231
- 3 HARISH
S/O BOODA POOJARY
AGED ABOUT 33 YEARS
MOODU VILLAGE
ELLINJE POST

Reddy

MANGALORE TALUK
D.K.DISTRICT 574141

- 4 BASAPPA HADAPADA
S/O YELLAPPA HADAPADA
AGED ABOUT 30 YEARS
MESCOM THOTA
UDUPI TALUK AND DISTRICT 576101
- 5 DINESH KUMAR S/O ANANDA POOJARY
AGED ABOUT 28 YEARS
ARPITH NIWAD, JARKALA
KUKKUNDOOR POST
KARKALA
UDUPI DISTRICT 576117
- 6 RAJESH ACHAR
S/O MANJUNATH ACHAR
AGED ABOUT 29 YEARS
MARGOKI BARUR POST
KUNDAPUR TALUK
UDUPI DISTRICT 576231
- 7 NAGARAJA
S/O RAMAPPA
AGED ABOUT 33 YEARS
SAIBRUKATTE
YADTHADY POST AND VILLAGE
SAIBRA DATTE
UDUPI TALUK AND DISTRICT 576101
- 8 SANTHOSH V
S/O NARASIMHA BILLVA
AGED ABOUT 29 YEARS
SANTHOSH NILAYA VAKKERY
POST BADA KERE NAVANDA
KUNDAPURA TALUK
UDUPI DISTRICT 576231
- 9 UDAYA KUMAR
S/O K SUDHAKARAM



AGED ABOUT 30 YEARS
"SUDHA SADANAM"
ALBADY VILLAGE,
BELVE POST, KUNDAPUR TALUK
UDUPI DISTRICT 576212

- 10 MAHESH MARAKALA
S/O KRISHNAPPA MENDON
AGED ABOUT 28 YEARS
NITHAYANANDA NILAYA
NEAR V M TEMPLE
MATTU. KATAPADI POST.
UDUPI TALUK AND DISTRICT 576101
- 11 JAYAPRAKASH
S/O LATE SURYANARAYANA
AGED ABOUT 32 YEARS
SHIVANANDA NAGAR
SHANKERPURA POST
UDUPI TALUK AND DISTRICT 576101
- 12 D M SIDDESWARA
S/O MALAYAPPA
AGED ABOUT 31 YEARS
KUNJIBETTU
UDUPI TALUK AND DISTRICT 576102
- 13 ALBERT R PINTO
S/O RAYMOND PINTO
AGED ABOUT 29 YEARS
NYARMA HOUSE
SHIRVA POST
UDUPI TALUK AND DISTRICT 574116
- 14 N BHOJA POOJARY
S/O NAGAU POOJARY
AGED ABOUT 33 YEARS
NATTLA HOUSE
NIRE VILLAGE AND POST
KARKALA TALUK AND DISTRICT



- 15 NANDA KUMAR
S/OS LATE ANNAIAH POOJARY
AGED ABOUT 39 YEARS
"MATHRUSHRI NILAYA"
HANGARA KATTE POST
UDUPI TALUK AND DISTRICT 576218
- 16 CHANDRAHASA K
S/O KRISHNAPPA G
AGED ABOUT 34 YEARS
"PADUMANE" HOUSE
KINNIMULKI
UDUPI TALUK AND DISTRICT 576101
- 17 JANARDHANA POOJARI
S/O LAXMAN POOJARI
AGED ABOUT 26 YEARS
BANSAL HOUSE
N.S.ROAD VADERHOBLI
KUNDAPUR TALUK AND
UDUPI DISTRICT 576231
- 18 VIKRAM HEGDE
S/O LATE SHIVARAM HEGDE
AGED ABOUT 29 YEARS
MERDI VALAGINAMANE
POST BASRUR
KUNDAPUR TALUK
UDUPI DISTRICT 576231
- 19 KUMARA SWAMY C MANI HALLI MATA
S/O C V MANIHALLI MATA
AGED ABOUT 19 YEARS
SRIRAMPURA LAYOUT
KARI KURVE GUNDURAO LAY OUT
SAGAR TALUK
SHIMOGA 577401
- ... PETITIONERS
- (BY SRI. SAMPAT ANAND SHETTY, ADV.)



AND :

- 1 MANGALORE ELECTRICITY SUPPLY
COMPANY LTD.,
REP BY ITS MANAGING DIRECTOR
CORPORATE OFFICE
PARDIM PLAZA, 5TH FLOOR
A.B.SHETTY CIRCLE
MANGALORE 575001
- 2 THE ASSISTANT GENERAL MANAGER
ADMINISTRATION & HRD
MESCOM, CORPORATE OFFICE
A.B.SHETTY CIRCLE
MANGALORE 575001
- 3 KARNATAKA POWER TRANSMISSION CORPORATION LTD
REP BY ITS MANAGING DIRECTOR
CORPORATE OFFICE
KAVERI BHAVAN
BANGALORE 560009
- 4 THE STATE OF KARNATAKA
DEPARTMENT OF POWER & ENERGY
REP BY ITS SECRETARY
VIDHANA SOUDHA
BANGALORE 560001

... RESPONDENTS

(BY SRI B C PRABHAKAR,
M/S. BHOOPALAM ASSTS., ADVS. FOR R1 TO R3
SRI JAGADISH MUNDARGI, AGA FOR R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO DIRECT AGAINST
THE RESPONDENTS DIRECT THEM TO CONSIDER AND
DISPOSE OF THE REPRESENTATIONS SUBMITTED BY THE
PETITIONERS DT. 26.02.2008 AND 28.02.2008 VIDE ANX-A1 &



A2 AND DULY RECEIVED BY THE RESPONDENTS AND CONSEQUENTIALLY DIRECT AGAINST THE RESPONDENTS TO CONTINUE THE SERVICE OF PETITIONERS PENDING CONSIDERATION OF THEIR REQUESTS FOR PERMANENCY AS PER ANX-A1 & A2 IN SIMILAR TERMS OF THE BENEFIT OF PERMANENCY CONFERRED ON THE TEMPORY GANGMEN EMPLOYED BY RESPONDENTS;

THIS MISC.W. IS FILED FOR VACATING STAY.

THIS W.P. AND MISC.W. ARE COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Though this petition is listed for orders, with the consent of the learned Counsel for the parties, is finally heard and disposed of by this order.

2. Facts admitted are that the petitioners, engaged temporarily as Meter Readers on consolidated salary, are not selected in a regular recruitment under the Cadre & Recruitment Regulations of the respondent, Mangalore Electricity Supply Company Ltd., and the



Karnataka Power Transmission Corporation Ltd., against sanctioned vacant posts, duly qualified. If that is so, petitioners have no legal right to claim regularisation / absorption / permanency in the said post. In the light of the decision of the constitution Bench of the Apex Court in SECRETARY, STATE OF KARNATAKA & OTHERS VS. UMADEVI (3) & OTHERS, reported in (2006) 4 SCC 1, the claim of the petitioners for regularisation is unsustainable.

Petition is accordingly rejected.

Miscellaneous application is rejected as unnecessary.

**Sd/-
Judge**

Rd/-