



NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2025

(@Special Leave Petition (C) No.16512 of 2023)

**SOUTHERN POWER DISTRIBUTION COMPANY OF
TELANGANA LTD.(TSSPDCL) & ORS.**

...APPELLANTS

Vs.

B RAMESH & ANR.

...RESPONDENTS

O R D E R

Leave granted.

2. The appellant(s) is a power distribution company, aggrieved with judgment of the Division Bench of the High Court of Telangana affirming the directions issued by the learned Single Judge in the Writ Petition directing appointment of the respondent herein as an Office Subordinate in the Company. The directions were issued accepting the contention of the Writ Petitioner that his case is similarly situated to

that of one Shri A. Anjaneyalu who was also a Contract Junior Lineman¹ and had suffered an accident while carrying out the duties; which incapacitated him from discharging the duties of a CJLM.

3. Mr. D. Abhinav Rao, learned Counsel appearing for the appellant(s)-Company raised two contentions; one that the case of Respondent No.1 was not identical to that of A. Anjaneyalu's; the latter of whom had suffered permanent disability by reason of amputation carried out on his right hand, a direct result of an accident while carrying out the duties of the CJLM. The second contention is that merely because the respondent No.1 could not qualify in the physical test for CJLM, he cannot be appointed to the post of Office Subordinate; which could only be by a due selection process inviting applications from the public. The contention is that the directions issued would be in conflict with Article 16 of the Constitution of India, 1950 which mandates equality of opportunity in public employment.

¹ "CJLM"

4. Mr. A. Karthik, learned Counsel appearing for the 1st respondent would contend that the respondent No.1 has been prosecuting his cause right from 2007 onwards and he deserves to be appointed as an Office Subordinate, as directed by the learned Single Judge and affirmed by the Division Bench of the High Court. Even if A. Anjaneyalu's case is not identical to that of the respondent No.1, there is similarity insofar as both suffered an accident while discharging duties, by reason of which they were not able to effectively participate in the physical test.

5. We have gone through the records and find that the respondent No.1 has been agitating his cause right from 2007; which though cannot be the sole reason for approving the directions issued by the High Court. When the appellant was unable to participate in the physical test of pole climbing; by reason only of the fracture suffered in an accident, he approached the High Court. Learned Single Judge of the High Court in Writ Petition No.23913 of 2007, produced along with the additional documents filed by the appellant, found that the ends of justice would

be met if the respondents-therein are directed to conduct pole climbing test to the appellant-therein and, if he qualifies, the respondents consider his candidature to the post of CJLM. The respondent No.1 appeared in the pole climbing test and failed, when he turned around and contented that he was unable to qualify in the pole climbing test due to the disability occurred in an accident. In fact, respondent No.1 had never raised such a contention at the earlier instance and he invited the order in W.P.(C) No.23913 of 2007 for a participation in the pole climbing test.

6. Admittedly, even the selection was to the post of CJLM as a contract employee in the appellant-Company. Having failed in the physical test, the respondent No.1 cannot seek for regular appointment as an Office Subordinate. As far as the disability; from the records, we find that the case of A. Anjaneyalu and respondent No.1 are quite distinct and different. A. Anjaneyalu suffered a permanent disability by reason of the accident while carrying out the duties of the CJLM. A. Anjaneyalu, as is seen from Annexure P-7 (discharge summary), suffered an amputation of his fifth finger and the base of the right

hand. The amputation which resulted in a permanent disability was also on account of the accident while discharging duties of the CJLM. The appointment as an Office Subordinate was in that peculiar circumstances.

7. Respondent No.1 on the other hand, had suffered a fracture in the accident while he was performing the duties and there was no permanent disability. Respondent No.1 only submitted that he has a rod implanted in his hand which resulted in his failure in the physical test. As we noticed respondent No.1 had invited an order in a Writ Petition, appeared in the physical test, in which he failed and then, on an after-thought, has taken the contention. We have, absolutely, no reason to equate the case of A. Anjaneyalu with respondent No.1. We cannot also countenance, the order of the learned Single Judge which directed appointment as an Office Subordinate; equating the case of A. Anjaneyalu with the respondent No.1. The mere fact that respondent No.1 has been agitating his cause from 2007 cannot result in an appointment when there is no legal basis shown for giving such alternate appointment. We,

hence, allow the appeal setting aside the order of the Division Bench and the learned Single Judge, thus, rejecting the Writ Petition filed by respondent No.1. We leave the parties to suffer their respective costs.

8. The appeal stands allowed in the above terms.

9. Pending application(s), if any, shall stand disposed of.

....., J.
[SUDHANSHU DHULIA]

....., J.
[K. VINOD CHANDRAN]

**NEW DELHI;
FEBRUARY 17, 2025.**