

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE T.VINOD KUMAR**

**WRIT PETITION No.45559 of 2022**

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms.V.Uma Devi, learned Standing Counsel for petitioner.  
Mr.A.Samir Kumar Reddy, learned Standing Counsel for  
respondent No.1. Mr.T.Rajani Kanth Reddy, learned counsel  
for respondent No.2.

2. The writ petition is admitted for hearing. With consent of  
the parties, the same is heard finally.

3. In this Writ Petition, the petitioner, *viz.*, The Telangana  
State Power Generation Corporation Limited, Hyderabad  
(hereinafter referred to as 'the Corporation'), has assailed the  
validity of the order dated 10.11.2022 passed by the Telangana  
State Human Rights Commission, Hyderabad (hereinafter  
referred to as 'the Commission'), by which, the Commission has  
entertained the complaint made by respondent No.2, who is an  
employee of the Corporation, and while suspending the order  
dated 13.06.2022 passed by the Chief Engineer of the  
Corporation, directed him to consider the case of respondent  
No.2 for regularization on par with other employees, whose

services have been regularized pursuant to the directions issued by a learned Single Judge of this Court, *vide* order dated 16.11.2019 in W.P.No.16333 of 2017, within 15 days. The Chief Engineer of the Corporation was further directed to produce the entire record relating to the issue of regularization of the case of respondent No.2.

4. We have heard learned counsel for the parties at length.

5. The Hon'ble Supreme Court, in the case of **G.Manikyamma v. Roudri Cooperative Housing Society Limited**<sup>1</sup> while dealing with Section 12 of the Protection of Human Rights Act, 1993(hereinafter referred to as 'the Act'), has held as under:

“44. The functions and powers of the Commission are enumerated under Section 12 of the Protection of Human Rights Act, 1993, which reads as follows:

“12. **Functions of the Commission.**—The Commission shall perform all or any of the following functions, namely—

- (a) inquire, *suo motu* or on a petition presented to it by a victim or any person on his behalf, into complaint of—
  - (i) violation of human rights or abetment thereof;
  - or
  - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- (c) visit, under intimation to the State Government, any jail or any other institution under the control of the

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<sup>1</sup> (2014) 15 SCC 197

State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;

- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g) undertake and promote research in the field of human rights;
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights, through publications, the media, seminars and other available means;
- (i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the promotion of human rights.”

It can be seen from the language, there is nothing in Section 12 which authorises the Human Rights Commission to adjudicate upon the disputes of title and possession of property.”

6. In view of the aforesaid enunciation of law by the Hon’ble Supreme Court, it is evident that under Section 12 of the Act, the Commission has no jurisdiction to deal with the claims of an employee with regard to grant of service benefits. The impugned order dated 10.11.2022 is *per se* without jurisdiction and therefore, cannot be sustained in the eye of law. It is accordingly quashed. However, liberty is reserved to respondent

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No.2 to take recourse to such remedy as may be available to him in law.

7. With the aforesaid liberty, the Writ Petition is disposed of.  
No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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**ALOK ARADHE, CJ**

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**T. VINOD KUMAR, J**

Date: 17.08.2023

*GJ/GRA*

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