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APHC010442722021

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

TUESDAY, THE 11TH DAY OF AUGUST 2026

PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.26776 of 2021

Between:

1. K.VENKATESWARLU, S/O KOTESWAR RAO, AGED ABOUT 56 YEARS, POTLURU GRAM PANCHAYAT, SHAVALYAPURAM MANDAL, GUNTUR DISTRICT.
2. B.BABU, S/O DEVADAS, AGED ABOUT 51 YEARS, MANUKONDAVARI PALEM GRAM PANCHAYAT, CHILAKALURIPET MANDAL, GUNTUR DISTRICT.
3. B.RAJA RAO, S/O YESURATHNAM, AGED ABOUT 51 YEARS GOVINDAPURAM GRAM PANCHAYAT, CHILAKALURIPET MANDAL, GUNTUR DISTRICT.
4. T.SAMBASIVA RAO, S/O PRAKASHAM, AGED ABOUT 51 YEARS, NELAPADU GRAM PANCHAYAT, TULLURU MANDAL, GUNTUR DIST.
5. CH.KRISHNA RAO, S/O SUBBA RAO, AGED ABOUT 52 YEARS, NARSAYAPALEM GRAM PANCHAYAT, BAPATLA MANDAL, GUNTUR DISTRICT.
6. Y.SUDHAKAR REDDY, S/O VENKAT REDDY, AGED ABOUT 51 YEARS, PITTUVARIPALEM GRAM PANCHAYAT AND MANDAL, GUNTUR DISTRICT.
7. M.SRINIVASA REDDY, S/O SHIVARAMI REDDY, AGED ABOUT 51 YEARS, BHAVANAMVARIPALEM GRAM PANCHAYAT AND MANDAL, GUNTUR DISTRICT.
8. T.SATYANARAYANA REDDY, S/O VEERA REDDY, AGED ABOUT 53 YEARS, GOKARAJUNANDIBOINAVARI PALEM GRAM PANCHAYAT, PV PALEM MANDAL, GUNTUR DISTRICT.
9. K.V.S.NAGESHWARA RAO, S/O RAMASWAMY, AGED ABOUT 56 YEARS, BURRAVARIPALEM GRAM PANCHAYAT, NIZAMPATNAM MANDAL, GUNTUR DSITRICT. (ALL THE PETITIONERS ARE

WORKING AS JUNIOR ASSISTANTS-CUM BILL COLLECTORS AND BILL COLLECTORS ON DAILY WAGE BASIS).

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRI.SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, ,REP.BY ITS PRI.SECRETARY, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
3. THE COMMISSIONER, PANCHAYAT RAJ AND RURAL EMPLOYMENT, VIJAYAWADA, KRISHNA DISTRICT.
4. THE DISTRICT COLLECTORPW, GUNTUR DISTRICT AT GUNTUR.
5. THE DISTRICT PANCHAYAT OFFICER, GUNTUR DISTRICT AT GUNTUR.

...RESPONDENT(S):

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 Writ Order or Direction more particularly one in the nature of Writ of Mandamus by calling for the records relating to Memo No.1024845/Estt.III/2019, dt. 27.8.2021 issued by the 1st respondent and set aside the same by declaring as illegal, arbitrary and violation of principles of natural justice and also contrary to the proposals of the 5th respondent sent vide Proc. Roc. No. 3319/94-G7, dt. 7.10.2004, Roc. No. 3310/1994/G3, dt. 27.3.2015 and Roc. No.3319/1994/G10, dt. 20.1.2020 and 3.6.2020 which were sent to lst respondent through proper channel and consequently direct the respondents to regularize the services of the petitioners from the date of completion of 5 years in terms of GOMs.No.212, F and P dt. 22.4.1994 as it was done in the case of other workers vide GORt.No. 553, PR and RD Deptt., dt. 30.3.2005 with all other attendant benefits.

Counsel for the Petitioner(S):

1. T D PANI KUMAR
2. B BHASKARA REDDY

Counsel for the Respondent(S):

1. GP FOR SERVICES I
2. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.26776 of 2021

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

> "….to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus by calling for the records relating to Memo No.1024845/Estt.III/2019, dt.27.08.2021 issued by the 1st respondent and set aside the same by declaring as illegal, arbitrary and violation of principles of natural justice and also contrary to the proposals of the 5th respondent sent vide Proc.Roc.No.3319/94-G7, dt.7.10.2004, Roc.No.3310/1994/G3, dt.27.3.2015 and Roc.No.3319/1994/G10, dt.20.1.2020 and 3.6.2020 which were sent to 1st respondent through proper channel and consequently direct the respondents to regularize the services of the petitioners from the date of completion of 5 years in terms of G.O.Ms.No.212, F&P dt.22.4.1994 as it was done in the case of other workers vide G.O.Rt.No.553, PR & RD Deptt., dt.30.3.2005 with all other attendant benefits and pass such other orders……."

2. The Writ Petition is filed to direct the respondents to regularize the services of the petitioners. In the affidavit filed in support of the Writ Petition, asserts that the petitioners were initially appointed as Junior

Assistant-cum-Bill Collectors and Bill Collectors on a daily wage basis in various Gram Panchayats in Guntur District, starting from the year 1987-1988. It is stated that the Government issued G.O.Ms.No.212, F&P, dated 22.04.1994, which provides for the regularization of daily wage/temporary/consolidated pay workers under certain conditions. According to this G.O., individuals must have completed five years of service by 25.11.1993 and there must be existing vacancies for the regularization of daily wage employees. The 5th respondent has submitted proposals to higher authorities through Proceedings in Roc.No.3319/94-G7, dated 07.10.2004, for the regularization of 97 full-time contingent/NMRs/Daily Wages/Fixed Pay/consolidated pay employees working in various Gram Panchayats in Guntur District, in accordance with G.O.Ms.No.212 dated 22.04.1994. Out of 97 candidates, the Government issued G.O.Rt.No.553, PR & RD Department, dated 30.03.2005, to regularize 60 individuals. Subsequently, 12 Bill Collectors and 9 Junior Assistants-cum-Bill Collectors have emerged in Guntur District due to promotions to Panchayat Secretaries and certain Bill Collectors posts have arisen due to promotion as Junior Assistants in the Gram Panchayat. The 5th respondent sent proposals for regularization of 20 candidates to the 1st

respondent through proceedings dated 27.10.2015, and there remains 20 vacancies due to promotions, and says that they are eligible and qualified for regularization under G.O.Ms.No.212 dated 22.04.1994.

3. The petitioners further state that, according to the Supreme Court judgment in A.Manjula Bhashini and others Vs. Managing Director, Andhra Pradesh Women's Co-operative Finance Corporation Limited and another, reported in (2009) 8 SCC 431, the provisions of G.O.Ms.No.212 dated 22.04.1994 were upheld, directing the completion of the regularization process for eligible employees. The petitioners submit that the respondents have not taken steps for their regularization under this G.O., despite proposals being sent on 27.10.2015. As a result, the petitioners filed W.P.No.12333 of 2019 seeking regularization of their services according to G.O.Ms.No.212 dated 22.04.1994. This Court directed the authorities to consider the proposals from 27.10.2015 and issue appropriate orders. Non-compliance with the Court orders, the petitioners filed C.C.No.960 of 2021. Later, the respondents rejected the petitioners' request for regularization through impugned Memo dated 27.08.2021, indicating that the petitioners had not completed 10 years of service by 25.11.1993, as per G.O.Ms.No.112, F&P dated 23.07.1997. The petitioners have challenged this memo in

the present writ petition, on the ground that the referenced G.O. does not apply to them, since they were appointed in 1987-1988. According to Apex Court judgment in A.Manjula Bhashini and others Vs. Managing Director, Andhra Pradesh Women's Co-operative Finance Corporation Limited and another, they are entitled to the regularization of their services. Therefore, prayed that the respondents be directed to regularize their services.

4. Petitioners' counsel relied on the judgement of this Court in W.P.Nos.5009 of 2021 & 4465 of 2020 and batch dated 18.10.2024. A coordinate bench of this Court after considering several judgments of the Hon'ble Apex Court and mainly relying on the orders of this Court dated 08.09.2010 in W.P.No.24377 of 2007, which was confirmed by a Division Bench of this Court in W.A.No.782 of 2010, directed regularization of petitioners' services therein from the date of completion of 10 years of service.

5. In the case of U.V.S.R.Prasad and others Vs. State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration & Urban Development, Secretariat, Velagapudi, reported in (2018) 2 ALD 282 (DB) and a Division Bench of the erstwhile High Court of Andhra Pradesh, after referring the judgment of the Apex Court in the case of

State of Karnataka and others Vs. M.L.Kesari and others reported in (2010) 9 SCC 247, held that Act 2 of 1954 and G.O.Ms.No.212 dated 22.04.1994 do Work Inspectors not whittle down the width and the judgment of the Hon'ble Apex Court in the case of A.Manjula Bhashini & others Vs. The Managing Director, A.P. Women's Co-operative Finance Corporation Ltd., and another reported in (2009) 8 SCC 431, does to their satisfying not lower the trajectory of the directions in paragraph No.53 of its judgment of the Apex Court in State of Karnataka Vs. Umadevi reported in (2006) 4 SCC 1 and it is therefore not permissible for the respondents to take shelter under Act 2 of 19 and G.O.Ms.No.212 dated 22.04.1994 to deny regularization to the petitioners who have admittedly satisfied the criteria laid down in paragraph No.53 of the judgment in State of Karnataka Vs. Umadevi's case (referred supra).

6. The contention of the respondents that raised that incumbent who has not completed 10 years as on 23.07.1997 in terms of G.O.Ms.No.112, F&P dated 23.07.1997 are not eligible for regularisation the judgment of the Apex Court in A.Manjula Bhashini & others Vs. The Managing Director, A.P. Women's Co-operative Finance Corporation Ltd., and another reported in (2009) 8 SCC 431 is not

applicable to the present facts of the case. Hence, prayed to direct the respondents to regularize the services of the petitioner herein.

7. The primary contention of the respondents is that the petitioners have not completed 10 years G.O.(P) 112, Finance and Planning (FW.PC.III) Department, dated 23.07.1997, when G.O. says that incumbent shall work for 10 years, the Court of Law can direct the Government or an instrumentality of State by mandamus to act in consonance with law and not in violation of statutory provisions or Government Orders.

8. The Apex Court in the case of Jaggo Vs. Union of India and others reported in 2024 SCC Online SC 3826, held that the pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector

entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy, but also sets a concerning precedent that can erode public trust in governmental operations.

9. The Apex Court in the case State of Gujarat & Ors. Vs. PWD Employees Union & Ors.Etc. (2013) 12 SCC 417: It was held that when the appropriate Government find that the employment is of perennial in nature etc., contract system stands abolished thereby, it intended that if the workmen were performing the duties of the post which were found to be of perennial in nature on par with regular services they also required to be regularized. And also held that continuing the incumbent for more than 30 years without granting service benefits amounts to arbitrary and erroneous and it is contrary to the Constitutional provisions in settled principles of law. And further observed in the said judgments that refusal to regularise the services on the ground that there are no sanctioned posts is bad, particularly when it is not the requirement of the G.O.Ms.No.212, dated 22.04.1994. The Hon'ble Supreme Court and the High Court has directed the authorities for regularization even though there is no sanctioned post when the nature of work is perennial. In the present case, the petitioners are working since last 35 years,

hence it can be safely construed that the post is perennial in nature. Hence, in view of the above judgments, the contention of the respondents is hereby rejected, as there is no sanctioned post.

10. In Vinod Kumar Vs. Union of India reported in (2024) 9 SCC 327, held that the failure to recognise of the substantive nature of their roles and of their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and intent behind employment regulations.

11. It is not denied in the counter affidavit, the petitioners were not joined in the service prior to 1987 to 1988 and have completed service of more 30 years and this Court in W.P.No.12333 of 2019 has also directed the respondents to consider the case of the petitioner for regularisation of the service of the petitioner. Despite the directions issued by this Court, the respondent authorities have failed to regularize the petitioners' services, instead of rejecting the request of the petitioners on the grounds, G.O.(P) 112, Finance and Planning (FW.PC.III) Department, dated 23.07.1997 was not met. As observed by the Division Bench of this Court in W.P.No.44902 of 2018 and the batch, the refusal to regularize the petitioners’ services constitutes

exploitation. As a model employer, the State should not act as an exploiter or subject its citizens to conditions akin to slavery.

12. In the light of the judgments referred supra, this Court is of the considered opinion that the action of the respondents in denying regularisation to the petitioners, despite having extracted the work for more than thirty years, it is untenable and unreasonable in denying regularisation.

13. Therefore, the present Writ Petition is disposed of, directing the respondents to consider the case of the petitioners for regularisation of service from the date of their initial appointment, as expeditiously as possible. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 11.08.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.26776 of 2021

Date: 11.08.2021

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