

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

Writ Petition No.18568 of 2015

Between:

A. Krishna Durga Siva Kumar & others

...Petitioners

And:

The State of Andhra Pradesh, rep. by its
Principal Secretary to Government, Revenue (Endowment)
Department, A.P. Secretariat, Hyderabad & others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 20.07.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE R. KANTHA RAO

1. Whether Reporters of Local newspapers may Yes/No
 be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
 be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
 fair copy of the Judgment?

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.18568 of 2015

ORDER:

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This writ petition is filed for writ of *Mandamus* to consider the cases of the petitioners for regularisation without giving weight to G.O.Ms.No.212 Finance and Planning Department, dated 22.04.1994, on par with other employees in the light of the representations dated 07.01.2015 and 29.01.2015.

2. Heard Smt. V. Sujatha, learned counsel appearing for the petitioners, learned Government Pleader for Endowments-respondents 1 and 2 and Smt. K. Lalitha, learned standing counsel for the 3rd respondent.

3. The case of the petitioners is that they were appointed in the 3rd respondent-temple in various posts about more than 15 years ago. While they were so working, they were terminated from service in October, 2002. Aggrieved thereby, the petitioners approached the Assistant Commissioner of Labour, Vijayawada and made a complaint. After hearing both sides, the Assistant Commissioner of Labour passed an order dated 20.03.2003 directing the 3rd respondent to reinstate the petitioners into service. As they were not taken into service, the petitioners along with others, filed WP No.6616 of 2003 and this court, without going into the merits of the case, disposed of the writ petition directing the petitioners to make a representation to the Executive Officer, Sri Durga Malleswara Swamyvari Devasthanam, Vijayawada-2nd respondent therein (3rd respondent herein) for continuing them in the existing vacancies and further directed the 2nd respondent therein, to pass appropriate orders thereon. Thereafter, the petitioners made representation to the 2nd respondent therein along with others and in consideration of their representation, the 2nd respondent therein permitted the petitioners to engage as NMRs on daily wages at Rs.60/- vide orders dated 31.03.2004. The petitioners filed WP No.6876 of 2010 seeking regularisation of their services on the ground that some of the NMRs working in the Regional Joint Commissioners Temple i.e., Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram by virtue of the orders in WP Nos.13450 and 13592 of 1991 were regularised and also further contending that some of the NMRs who are seniors to the petitioners, filed WP Nos.10450 and 17103 of 1998 and the said writ petitions were allowed directing the respondents to regularise the services of

the petitioners therein. The respondents filed appeals i.e., WA Nos.318 and 319 of 1999 against the orders passed in the writ petitions and the said appeals were also dismissed. Consequently, the 2nd respondent therein regularised the services of the NMRs, who are seniors to the petitioners. The grievance of the petitioners is that though the services of similarly placed employees have been regularised, their services have not been regularised in spite of their making several representations to the respondents. In the said writ petition, this court passed interim order to consider the cases of the petitioners for regularisation on the representation dated 14.07.2012. When the interim order was not complied with, they filed contempt case i.e., CC No.907 of 2014. This court basing on the material placed on record by the petitioners, found that the respondents have passed two orders in RC No.A1/5943/2010 dated 31.08.2011 and RC No.A1/627/2011 dated 04.01.2012, which clearly show that the services of some of the NMRs have been regularised even during the period of ban. As per G.O.Ms.No.212 dated 22.04.1994, the services of the NMRs have to be regularised from the date on which they completed five years of services. There is no denial to the effect that the petitioners have completed more than ten years of service and their services have to be regularised in terms of the aforesaid G.O. This court, therefore, taking on record the submissions made by the learned counsel appearing for the petitioners that there were 21 vacancies in the Department, there is no hurdle for regularizing the services of the petitioners, closed the contempt case and issued direction to the respondents to regularise the services of the petitioners. Now after passing of the said order, respondents 2 and 3 passed rejection orders dated 31.12.2014 and 27.02.2015 respectively, mainly on the ground that the petitioners did not fulfil the conditions mentioned in G.O.Ms.No.212, Finance & Planning Department, dated 22.04.1994 i.e., they have not completed five years of service on or before 25.11.1993.

4. Learned counsel appearing for the petitioners reiterated her

contentions and she submitted that the services of several employees, who have not completed five years of service on or before 25.11.1993, were regularised in Rc.No.A1/5943/2010 dated 31.08.2011 and the cases of the petitioners were treated in discriminatory way and therefore, their services have to be regularised.

5. Having regard to the facts and circumstances of the case, this court is of the view that the services of the petitioners have to be regularised on par with other employees, who are similarly placed and there shall not be any discrimination between the employees by the respondents.

6. The writ petition is accordingly disposed of directing respondents 2 and 3 to re-consider the representations dated 07.01.2015 and 27.02.2015 made by the petitioners for regularization of the petitioners, notwithstanding the fact that they have not completed five years of service on or before 25.11.1993 as required under G.O.Ms.No.212 dated 22.04.1994 and pass appropriate orders thereon, within a period of eight (8) weeks from the date of receipt of a copy of this order. No order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

R.KANTHA RAO, J

Date: 20.07.2015
BSS

HON'BLE SRI JUSTICE R.KANTHA RAO

BSS

Date: 20.07.2015