

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.6169 of 2003

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ORDER:

This writ petition is filed to direct respondent to regularize the services of petitioner in the post of Attender in Raghavapuram Primary Agricultural Cooperative Society Limited, Raghavapuram, Korukonda Mandal, East Godavari District.

2. According to petitioner, he was appointed as Attender on 01.08.1997 on daily wages of Rs.15/- per day and subsequently the same was enhanced to Rs.30/- per day and he has been receiving the said money from respondent. According to respondent, General Body of the Society passed a resolution regularizing the post of petitioner on 27.09.1997 and also on 29.09.2001, but as orders were not received from respondent-District Cooperative Officer, Kakinada, East Godavari District, the society has not issued any proceedings. According to petitioner, he has been working for the last 5 years on a meager pay and his services have to be regularized and inaction of respondent is violative of Article 21 of the Constitution of India.

3 . Respondent filed counter disputing the claim of petitioner and according to counter, petitioner was appointed on daily wage basis and his daily wage was enhanced from Rs.15/- to Rs.25/- w.e.f. 01.01.1998 under resolution dated 27.01.1998 and again from Rs.25/- to Rs.30/- w.e.f. 01.12.1998 under resolution dated 03.01.1999. Respondent contended that the appointment of petitioner was prohibited under Andhra Pradesh Ordinance No.8 of 1993 i.e., Act 2 of 1994 read with G.O.Ms.No.357, dated 29.10.1993 and the committee reviewed position on the comments of the Auditor about the irregular appointment and a resolution is passed to remove petitioner w.e.f. 01.05.2001 under resolution dated 30.04.2001 and an amount of Rs.47,770/- has been kept under Adjusting Heads to be paid to petitioner. Respondent has not received any proposals from the society as referred in the affidavit of petitioner and for these reasons the writ petition is liable to be dismissed.

4. Heard arguments.

5. As seen from the material, particularly, the counter filed on behalf of respondent, services of petitioner were terminated by way of resolution dated 30.04.2001 w.e.f. 01.05.2001 and consolidated amount was earmarked to be paid to petitioner. This aspect is not stated in the affidavit of petitioner. Even after filing of the counter, no reply affidavit is filed on behalf of petitioner disputing the resolution dated 30.04.2001 or his termination w.e.f. 01.05.2001. It is specifically contended in the counter that the appointment of petitioner is contrary to the provisions of the Act 2 of 1994 and this aspect is also not disputed by way of any reply affidavit.

6 . On a scrutiny of the material, I am of the view that the claim of petitioner is not tenable and the appointment on daily wages in the year 1997 is contrary to the provisions of Act 2 of 1994, and that writ petition is devoid of merits and liable to be dismissed.

7 . For these reasons, this writ petition is dismissed. No costs. Miscellaneous petitions, if any pending, in this writ petition shall also stand closed.

S. RAVI KUMAR, J

Date: 08-12-2015.

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