

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION Nos.2897 and 6958 of 2009

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28.07.2015

Between:

Sykam Kamalakar Rao and another ...**Petitioners**

And

The Welfare Commissioner, Hyderabad and another

...**Respondents**

Counsel for the petitioners: Mr.S.Gopal Rao

Counsel for respondent No.1: Mr.Ghanta Rama Krishna,
for Mr.V.Hariharan

Counsel for respondent No.2: None appeared

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The Court made the following:

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COMMON ORDER:

These two writ petitions are filed by similarly placed persons feeling aggrieved by the identical orders of termination issued on 03.02.2009 by the Welfare Commissioner, Andhra Pradesh Labour Welfare Board, Hyderabad (being sole respondent in W.P.No.2897 of 2009 and respondent No.1 in W.P.No.6958 of 2009, hereinafter referred to as 'respondent No.1').

Brief facts leading to the filing of these writ petitions are that the petitioners, who were sponsored by the District Employment Officer, Vijayawada, were selected for the post of 'Typewriting Instructors' and were appointed as such, on temporary basis with the consolidated wage of Rs.800/- plus V.D.A. per month. The petitioner in W.P.No.2897 of 2009 was posted at the Andhra Pradesh Labour Welfare Centre, Vijayawada and the petitioner in W.P.No.6958 of 2009 was posted at the Andhra Pradesh Labour Welfare Centre, Guntur. Vide proceedings, dated 17.04.2001, respondent No.1 regularized the services of twenty one employees and placed them

on probation for a period of two years. The petitioners were included at serial Nos.11 and 12 of the annexure to the said proceedings. In the said proceeding, respondent No.1 stated that the Andhra Pradesh Labour Welfare Board in its 20th meeting held on 07.04.2001 resolved to regularize the services of the employees including the petitioners as shown in the annexure thereto. As the petitioners were being continued after regularization, by similar memos, dated 21.07.2007 and dated 11.11.2008 respectively, they were transferred and posted to the office of Andhra Pradesh Labour Welfare Board, Hyderabad. While the petitioner in W.P.No.2897 of 2009 has joined at Hyderabad, the petitioner in W.P.No.6958 of 2009 made a representation to allow her to continue at Guntur itself and accordingly, she was continued at Guntur. Subsequently, an office order was issued on 12.11.2008 to the petitioner in W.P.No.2897 of 2009 assigning specific duties to him in the office at Hyderabad.

While so, by the impugned orders, dated 03.02.2009, the services of the petitioners have been terminated by respondent No.1. In these orders, it is mentioned that in its 33rd meeting held on 24.01.2009, the Andhra Pradesh Labour Welfare Board, Hyderabad, reviewed the status on the functioning of the centres at Vijayawada and Guntur and unanimously resolved to withdraw the Income Generating Scheme introduced at those centres and to terminate the services of the 'Typewriting Instructors' appointed in those centres by paying terminal benefits to them as per law.

This Court, by interim orders, dated 02.04.2009 in W.P.M.P.No.9102 of 2009 in W.P.No.6958 of 2009, and dated 17.04.2009 in W.P.M.P.No.3718 of 2009 in W.P.No.2897 of 2009, suspended the impugned orders. Following the said interim orders, respondent No.1 issued proceedings, dated 11.08.2009, whereunder the petitioners were reinstated into services of the Andhra Pradesh Labour Welfare Board, Hyderabad, subject to the out come of the vacate stay applications pending in these writ petitions.

At the hearing, Mr.Ghanta Ramakrishna, learned counsel representing Mr.V.Hariharan, learned counsel for respondent No.1, submitted that after the

aforementioned proceedings, dated 11.08.2009, reinstating the petitioners, the petitioners are being continued. He has further submitted that the petitioners were imparted training in the computer work and they are able to operate the computers.

In the light of the fact that the petitioners' services were regularized as far back as 17.04.2001, they have become regular employees of respondent No.1 and therefore, the impugned proceedings by which their services were terminated are not sustainable in law. Furthermore, having regard to the subsequent events, viz., their reinstatement in pursuance of the interim orders and their successful discharge as 'Computer Operators' after having received training, the petitioners are entitled to be continued as regular employees of respondent No.1 and they are also entitled to all the consequential benefits including payment of arrears and pay revisions.

On the above analysis, the impugned proceedings, dated 03.02.2009, of respondent No.1 are quashed and the Writ Petitions are allowed.

As a sequel to allowing the writ petitions, W.V.M.P.No.1378 of 2009 and W.P.M.P.No.28165 of 2012 in W.P.No.2897 of 2009 and W.V.M.P.No.1404 of 2009 in W.P.No.6958 of 2009 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28th July, 2015

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