

THE HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT APPEAL No.108 OF 2015

-

P.C.: (Per Hon'ble Sri Justice Dilip B. Bhosale)

This Writ Appeal is directed against the order dated 10.11.2014 passed in W.P.No.22287 of 2012 whereby, while allowing the Writ Petition filed by the respondents, the appellants were directed to regularize their services in terms of the judgment of the Supreme Court in ***State of Karnataka v. Uma Devi***^[1].

It appears that respondent Nos.1 and 2 were appointed as Clerks and respondent No.3 as Salesman on 01.06.1989, and respondent No.4 was appointed as Typist on 01.12.1984. They claim that they completed more than 25 years of service and are eligible for regularization. It is relevant to mention the background facts, to the extent they are relevant for disposal of the Writ Appeal. Respondents services were terminated sometime in 1995. The termination was challenged by them before the concerned authority under Section 48 (1) of the Andhra Pradesh Shops and Establishments Act, 1988 (for short, 'the Act'). Their challenge was upheld vide order dated 03.11.1997, with direction to reinstate them into service

with full back wages and all attendant benefits. This order dated 03.11.1997 was carried in appeal by the appellants.

Their appeal was dismissed vide order dated 12.10.1998.

Then they approached this Court by way of Writ Petition and then Writ Appeal. The order of the authority under Section 48 (1) of the

Act was however confirmed by this Court. Thereafter, the appellants approached the Supreme Court by way of S.L.P. The S.L.P. also came to be dismissed vide order dated 28.04.2000. In this backdrop, the learned Judge has given benefit of the observations made by the Supreme Court in

Uma Devi (supra) and issued direction to regularize the services of the respondents.

Learned counsel for the appellants submits that the case of the respondents is not covered by the judgment of the Supreme Court in ***Uma Devi (supra)***, since at no point of time, they completed ten years of continuous service as on 10.04.2006. He did not urge any other contentions.

We are unable to agree with the submission made by the learned counsel for the appellants for more than one reason.

It is clear from the facts, as stated above, that the termination was ultimately held to be illegal and they were given all attendant benefits including back wages from the date of their termination, which clearly demonstrate that they completed ten years of continuous service as on 10.04.2006. In other words, after the termination in 1995, in view of the order of this Court and of the Supreme Court, they deemed to have continued in service. We find no merit in the appeal.

Hence, the Writ Appeal is dismissed.

The Miscellaneous Petitions filed in this Writ Appeal shall stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

23.02.2015
KH

[\[1\]](#) (2006) 4 SCC 1