

HONOURABLE SRI JUSTICE R. KANTHA RAO

W.P.No.6361 of 2015

ORDER

This writ petition is filed seeking to declare the action of the respondents in not regularizing the services of the petitioners in terms of G.O.Ms.NO.212, dated 22.04.1994, on par with similarly placed persons as arbitrary and illegal.

The 1st petitioner's date of birth is 4.7.1970 and the 2nd petitioner's date of birth is 6.6.1975. Both the petitioners are working as casual labour under the 5th respondent since 04.12.1985 & 04.01.1988 respectively. Since the date of their initial appointment, the petitioners have been working continuously till date under the 5th respondent without any break. According to the petitioners, they are eligible to be absorbed as regular employees.

Based on the representations made by various Unions, the 2nd respondent had issued proceedings No.951/SC/93, dated 04.06.1993 to fill up all the vacancies in the cadre of Junior Assistant,

Sub-Assistant, Equivalent and lower categories in the ratio of 1:1 between existing casual labour and fresh recruits. Thereafter, the Government of Andhra Pradesh (erstwhile) had issued G.O.Ms.No.212 CFWPC-III, Finance and Planning Department, dated 22.04.1994, formulating a scheme for regularizing the services of daily workers. Pursuant to the said G.O., the University with the approval of the Government, regularized the services of several persons, who were initially engaged below the age of 18 years. But, the cases of the petitioners for regularization were rejected, on the ground that they have not completed the age of 18 years as on the date of their initial appointment and that they have not completed 5 years of service. Challenging the same, the petitioners filed the present writ petition.

The issue involved in the present writ petition similarly fell for consideration before the learned Single Judge in W.P. No.23957 of 2009. Learned Single Judge while allowing the writ petition, set aside the impugned proceedings, dated 08.10.2009, and directed the respondents to consider the cases of the petitioners therein for regularization of the services disregarding the minimum age of the petitioners as on their dates of joining into service as casual labourers in the event they are otherwise found covered by G.O. Ms. No.212. The said Judgment was confirmed by the Division Bench of this Court in Writ Appeal No.932 of 2014.

The writ petition is, therefore, disposed of in terms of the aforesaid judgment of the learned Single Judge to consider the cases of the petitioners for regularization, notwithstanding the fact that they were below the age of 18 years, in the event of their satisfying the other requirements governed by G.O.Ms. No.212. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R. KANTHA RAO, J

18th March, 2015

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