

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.19081 OF 2000

Dated 11-9-2015

Between:

_____ M.Sanja Goud.

_____..Petitioner.

And:

_____ Executive Director, S.C.Corporation, Nizamabad
and others.

_____..Respondents.

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HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.19081 OF 2000

ORDER:_____

This writ petition is filed to direct the respondent to regularise the services of petitioner as attender/driver in accordance with G.O.Ms.No.212 dated 22-4-1994 with effect from the date on which he completed five years of service with consequential benefits such as arrears of pay etc.,

Advocate for petitioner submitted that petitioner was appointed as attender on daily wages on 2-6-1992 but he was also attending to the duties of driver as and when the driver is on leave and he is being paid only daily wages even till today without regularising the services and without absorbing him in the vacant post. He further submitted that as per the decision of Honourable Supreme Court in *SECRETARY, STATE OF KARNATAKA AND OTHERS Vs. UMADEVI (3) AND OTHERS* (^[1]) and *STATE OF KARNATAKA AND OTHERS Vs. M.L.KESARI AND OTHERS* (^[2]), ten years

cut of date has to be taken as on 10-4-2006 i.e., date of judgment of *UMADEVI's* case (1st cited). He further submitted that petitioner joined as attender on daily wages, but corporation, in its proposal stated that there are no posts of drivers and thereby denied regularisation.

Learned Standing Counsel for Corporation submitted that petitioner was appointed on 2-6-1992 but as per G.O.Ms.212 dated 22-4-1994, cut of date is 25-11-1993 and only those who completed five years of continuous service as on the cut of date are alone eligible for regularisation.

He further submitted, this cut of date is approved by the Honourable Supreme Court in *A.MANJULA BHASHINI AND OTHERS Vs. MANAGING DIRECTOR, ANDHRA PRADESH WOMEN'S COOPERATIVE FINANCE CORPORATION LIMITED AND ANOTHER* (^[3]) and therefore, as the petitioner has not fulfilled the requirement of five years continuous service as on 25-11-1993, the cut of date, he has no right and he is not entitled for regularisation.

Learned Standing Counsel also submitted that in a similar set of facts this court in W.P.No.4259 of 2002 after considering the case law on subject dismissed the writ application and therefore, the present case has no merits.

There is no dispute with regard to the cut of date stipulated in G.O.Ms.No.212 which mandates completion of continuous service of five years period prior to 25-11-1993. It is also not in dispute that in view of Act 2 of 1994, there is a ban of appointment on daily wages. As the petitioner was appointed only on 2-6-1992, he do not fall under the category of persons that completed five years of continuous service as on 25-11-1993. Now only aspect that has to be looked into is that he is continuously working since 1992 even till date, on daily wages, which fact is not in dispute. Therefore, considering the facts of the case and the decisions referred above relied on by

both the parties, I am of the view that petitioner is not entitled for the relief claimed in terms of G.O.Ms.No.212 dated 22-4-1994 but however, he can make a representation to the authorities to consider his appointment to the post of attender and on such representation, the authorities may consider his request sympathetically, particularly, in view of the fact that he is working in the corporation since more than 23 years continuously on daily wages.

With this observation, this writ petition is disposed of. No costs.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE

S.RAVI KUMAR

Dated 11-9-2015

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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Dvs

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

[\[2\]](#) (2010) 9 SCC 247

[\[3\]](#) (2009) 8 SCC 431