

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.16673 of 2005

ORDER:

The petitioners challenge the Memo dated 20.06.2005, whereby the erstwhile Government of Andhra Pradesh rejected their representations to consider their cases on par with others similarly situated for regularisation of their services with retrospective effect. They also sought a consequential direction to the respondents to regularise their services from the date of arising of the aided vacancies, being August, 1989 and October, 1990 respectively.

The petitioners were appointed as Part-time Lecturers in the 4th respondent - College in the years 1986 and 1988 respectively. While so, the erstwhile Government of Andhra Pradesh promulgated G.O.Ms.No.302 dated 23.08.1991 providing for absorption and regularisation of the services of Part-time Lecturers. As their cases were not being considered, the petitioners filed W.P.No.17477 of 1996 before this Court which was disposed of with a direction to the respondents to consider the petitioners' cases for regularisation in accordance with G.O.Ms.No.302 dated 23.08.1991. However, the process was kept pending, constraining the petitioners to file Contempt Case No.1456 of 1996 before this Court.

In the meanwhile, the erstwhile Government of Andhra Pradesh promulgated G.O.Ms.No.328 dated 15.10.1997 in relation to the issue of regularisation. By proceedings dated 30.09.1998, the petitioners' services were regularised with effect from that date. Their grievance was that their cases come within the purview of G.O.Ms.No.302 dated 23.08.1991 but recourse was taken by the Government to the subsequent G.O.Ms.No.328 dated 15.10.1997, whereby their regularisation in service was sought to be affected from a later date. This grievance was canvassed before this Court by way of W.P.No.18566 of 1999. While the said case was pending, several similarly placed Lecturers were given the benefit of regularisation of their services from the date of arising of the aided vacancies. In view of this, the petitioners' submitted representations dated 08.11.2004, 11.11.2004 and 10.12.2004 seeking similar relief. W.P.No.18566 of 1999 was disposed of by this Court on 15.02.2005 directing the respondents to pass appropriate orders on the

said representations within a time frame. It was pursuant to this order that the erstwhile Government of Andhra Pradesh issued the impugned Memo dated 20.06.2005.

This being the factual situation, Sri D.Linga Rao, learned counsel for the petitioners, stated that a Division Bench of this Court had occasion to deal with this very issue in W.A.No.1351 of 2005. A copy of the order dated 19.10.2011 passed in the said writ appeal is placed on record.

Perusal thereof demonstrates that the 1st respondent therein, a Part-time Lecturer in Jawahar Bharathi Degree College, Kavali, Nellore District, was regularised in service, akin to the petitioners herein, from a later date by applying G.O.Ms.No.328 dated 15.10.1997. His grievance was that such regularisation should have been effected from the date of issuance of G.O.Ms.No.302, i.e., 23.08.1991. The learned Judge allowed the writ petition and granted him the benefit of regularisation of his services from the date of his initial appointment. This relief was modified in appeal by directing the respondents to give effect to the regularisation of the Part-time Lecturer in that case from 23.08.1991, being the date of issuance of G.O.Ms.No.302.

The learned Government Pleader for Education is unable to cite any factor distinguishing the petitioners in the present case from the Part-time Lecturer who was the 1st respondent in W.A.No.1351 of 2005. That being so, this Court sees no reason as to why there should be any discrimination between identically situated persons.

In that view of the matter, the writ petition is allowed in part in terms of the order dated 19.10.2011 passed in W.A.No.1351 of 2005 setting aside the impugned Memo dated 20.06.2005 and directing the respondents to give effect to the regularisation of the petitioners' services from the date of issuance of G.O.Ms.No.302, i.e., 23.08.1991 with all consequential benefits.

In view of the bifurcation of the erstwhile State of Andhra Pradesh, the description of the 1st respondent shall stand amended and shall read 'the State of Telangana', instead of 'the Government of Andhra Pradesh'.

Office is directed to carry out necessary corrections in this regard before issuing a copy of this final order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:07.10.2015

GJ