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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The petitioners assert that they have been working as Sweepers in the Public Health Department in Nellore Municipality, which was subsequently converted into Municipal Corporation, and as per the seniority list maintained by the Corporation, the petitioners are eligible for promotion to the posts of Public Health (PH) Maistries. While so, in the year 1999, a Circular was issued by the then Commissioner of Nellore calling upon the workers to submit their willingness for promotion to the posts of PH Maistries. In pursuance of the Circular, the petitioners made a representation and the Commissioner, while considering their representation tentatively decided to engage all the PH workers as PH Maistries on working arrangement. Thereupon, the petitioners have been working as PH Maistries from the year 1999, however there has been no increase in their salary. Subsequently, the then Commissioner, without any reason whatsoever, passed an order dated 25.05.2000 reverting the petitioners from the posts of PH Maistries to the posts of workers (sweepers). Being aggrieved by the order, the

petitioners filed O.A.No. 1464 of 2000 before the A.P. Administrative Tribunal, Hyderabad (for brevity “the Tribunal”), and the Tribunal, pending disposal of the O.A., directed the respondents therein to maintain *Status Quo*, and in pursuance of the order of *Status Quo*, the petitioners have been working as PH Maistries. However, the 1st respondent – Municipal Commissioner, in spite of the *Status quo* granted by the Tribunal, passed an order dated 28.10.2004 cancelling his earlier order of promotion and directed the petitioners to work as PH workers (Sweepers). Challenging the order of the Commissioner, the petitioners filed O.A.No. 6363 of 2004. Now, the grievance of the petitioners is that the Tribunal, by order dated 24.11.2004, while disposing of the O.A. directed the applicants to approach the Regional Director for redressal of their grievances, if any. Hence, the petitioners have filed the present writ petition seeking to quash both the order dated 28.10.2004 passed by the Commissioner and the order dated 24.11.2004 of the Tribunal and consequently direct the respondents to continue them to work as PH Maistries.

This Court, by order dated 30.12.2004, while admitting the writ petition, granted *Status Quo* until further orders.

The learned counsel for the petitioners has submitted that even though the petitioners worked as PH Maistries on working arrangement by virtue of the

directions issued by the then Commissioner in pursuance of the Circular issued in 1999 for a certain period of time with the hope that their services will be regularized in due course, they were paid neither the salary for the post of PH Maistry nor their services were regularized. It is further submitted that it is not known whether the petitioners are still in service or not.

Heard the learned counsel for both the parties and perused the material placed on record.

The Tribunal, while disposing of the O.A.No. 6363 of 2004, followed its earlier order which is to the following effect:

“As this is a case of working arrangement, in case the applicants are aggrieved, they should file an appeal before the appellate authority i.e. the Regional Director-cum-Appellate Commissioner, Ongole for redressal of their grievances and the jurisdiction of this Tribunal cannot be invoked at this point of time.”

and accordingly, directed the petitioners to approach the Regional Director-cum-Appellate Commissioner for redressal of their grievances, if any.

In view of the fact that this Court granted *Status Quo* until further orders and considering the submissions made by the learned counsel for the petitioners and in the light of the direction given by the Tribunal to approach the Regional Director for redressal of the grievance, we are inclined to dispose of this writ petition with the following observation:

“The respondents –authorities are directed to consider the cases of the petitioners, if, as on today, they are in service. It is

open for the petitioners to make a proper representation to the Regional Director-cum-Appellate Commissioner as observed by the Tribunal requesting to consider their cases for continuation and regularization of their services as PH Maistries, within a period of two months from the date of receipt of a copy of this order. On such representation being filed, the authorities concerned shall consider the same and pass appropriate orders thereon in accordance with law within a period of two months thereafter. It is made clear that till disposal of the representation that may be filed by the petitioners, the order of *Status Quo* passed by this Court shall remain in force.”

Subject to the above observation, this writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

30.11.2015

**U.DURGA PRASAD
RAO,J**

bcj