

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**WEDNESDAY, THE FOURTH DAY OF NOVEMBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.1680 of 2012

Between:

Mulakaledu Anwar Basha,
S/o. Cheman Saheb,
Age: 46 years, Occ: Ex-Driver,
E.No.575020, R/o.D.No.1E/4/890,
Adarshanagar, Anantapur,
Anantapur District.

.. Petitioner

AND

The Vice Chairman & Managing Director,
APSRTC, Musheerabad,
Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner was appointed as a casual driver in the respondent Corporation on 02.05.1995 and was terminated from the service on 12.06.1996 on the ground that the petitioner has submitted bogus educational certificate. Against his termination, he filed W.P.No.7555 of 1996. It is stated that the said writ petition was allowed with liberty to conduct enquiry. Thereafter, the enquiry was conducted and the petitioner was removed from service. Aggrieved by the order of removal, the petitioner raised industrial dispute in I.D.No.168 of 1999, on the file of the Industrial Tribunal-cum-Labour Court, Anantapur. The said I.D. was dismissed by order, dated 12.02.2002. Aggrieved thereby, the petitioner filed W.P.No.15569 of 2003. This Court disposed of the writ petition by order, dated 13.04.2010, with a direction to the petitioner to make a representation to the respondent Corporation for appointment afresh. The petitioner was, accordingly, appointed afresh as driver and posted vide proceedings, dated 15.06.2010, to the Rayadurg Depot. This writ petition is filed claiming that as

the petitioner has completed 240 working days, he is entitled to be regularized in service.

2. In the counter affidavit filed by the respondents, the factual details regarding the earlier employment of the petitioner is not denied. The respondents oppose the claim of the petitioner for regularization on the ground that he has completed 240 working days.

3. According to the learned counsel for the petitioner, since the petitioner has completed 240 days continuous service, his services are liable to be regularized and not granting regularization is illegal.

4. Learned Standing Counsel representing the respondent Corporation states that the 240 days has relevance only with reference to the safeguards provided to the work force governed by the Industrial Disputes Act, 1947, and the 240 days has no relevance for the purpose of grant of regularization. Learned counsel submits that the principle of law is well-settled that no right is vested in any person working on casual basis to seek regularization. A person can claim for regularization only if his initial appointment is made in pursuant to the regular procedure followed.

5. The averments made in the affidavit filed in support of the writ petition do not disclose that the petitioner was granted appointment as driver in consequent to a process of selection. The petitioner made a representation as per the liberty granted to the petitioner by this Court in W.P.No.15569 of 2003. Therefore, it cannot be said that the petitioner was appointed after following the due process. Furthermore, on mere completion of 240 days, no right vests in a person to claim regularization, more so, in view of the principle laid down by the Supreme Court in **Secretary, State of Karnataka Vs. Uma Devi**. Thus, I see no merit in the writ petition.

6. The Writ Petition is, accordingly, dismissed. There shall be no order

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

P.NAVEEN RAO, J

Date: 4th November, 2015

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