

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.2829 OF 2012

Dated 12-10-2015

Between:

_____ R.V.Chinna Muragaiah.

_____..Petitioner.

And:

_____ The Government of Andhra Pradesh, represented
by its Principal Secretary, Revenue (Endowments-III)
Department, Secretariat Buildings, Hyderabad and others.

_____..Respondents.

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ORDER:

This Writ Petition is filed seeking a direction more particularly one in nature of mandamus holding that the action of respondents in not regularizing the services of petitioner by not declaring probation of petitioner as illegal, arbitrary and violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to pass necessary orders for confirming the services of petitioner in the cadre of Prosthetic Technician Grade II.

Petitioner herein is working as Prosthetic Technician Grade II

under the control of respondents 2 and 3 having appointed through proceedings in Roc. No.RT.I/39590/98 dated 9-4-2001. The selection and appointment is made against the post notified and sanctioned by the Board in the existing vacancy.

The grievance of the petitioner is that though he is

discharging his functions with utmost dedication from the date of his appointment, his services were not confirmed and probation was not declared on the pretext that Government orders regarding method of recruitment and qualification for the post of Prosthetic Technician Grade II are not yet received. According to petitioner, Government issued G.O.No.16. dated 9-1-2003 sanctioning 21 posts to be filled on contract basis and the posts were filled in anticipation of government orders to run the artificial limb centre for the benefit of society at large and the pilgrims in particular.

According to petitioner, he was appointed through regular selection process by way of direct recruitment and in spite of submitting series of representations through the second respondent for the redressal of his grievance in spite of taking smooth view, 3rd respondent issued memo calling for his explanation treating the same as disobedience and insubordination and having no other alternative he invoked the jurisdiction of this court to treat action of respondents in not regularizing services of the petitioner and not declaring of probation as illegal, arbitrary and contrary to the principles of natural justice.

Second respondent filed his counter disputing the affidavit averments of the petitioner and according to TTD, they have sent proposals the Government for creation of posts required for administration of 3rd respondent which includes Prosthetic Technician Grade-II and the Government through G.O.Ms.No.16 dated 9-1-2003 while granting 21 posts and 3rd respondent including Prosthetic Technician Grade II and requested TTD to fill up these posts on contract basis. It is further contended that to protect the interest of persons already appointed in the created posts, TTD requested Government to issue revised orders to the persons already appointed in the posts including post of Prosthetic Technician Grade II and orders are awaited from Government as to the method of

recruitment and qualifications. Government has not yet approved but TTD would regularize services of the petitioner by declaring him as approved probationary as per rules soon after the receipt of orders from the Government.

Heard both sides.

Learned counsel for the petitioner submitted that though the petitioner is working as Prosthetic Technician Grade II since 2001 as per the appointment order dated 9-4-2001 till now his services were not regularized only on the ground that method of recruitment is not approved by Government. He further submitted that on account of inaction of respondent, petitioner is not getting the other consequential benefits like promotion, Earned Leave and regular increments etc., He further submitted that inaction of respondent is violative of articles 14 and 16 and 21 of Constitution of India and therefore, a direction be issued to the respondents.

On the other hand, advocate for TTD submitted that they already addressed Government long back to approve the method of appointment and qualifications, as no orders are received from Government till now, services were not regularized and therefore, there is no fault on the part of TTD.

Considering the submissions and rival submissions of both parties and also considering the fact that petitioner is working as Prosthetic Technician Grade II since 2001, but regularization and declaration of probation are kept pending for want of approval from the Government with regard to method of recruitment and qualifications, through selection process was as per rules, I deem it appropriate to direct 1st respondent to expedite and pass necessary orders at an early date preferably within two months from the date of receipt of copy of this order and on receipt of orders from the Government, second respondent shall take steps for regularization and

Accordingly, this writ petition is disposed of. No costs.

JUSTICE

Dated 12-10-2015.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

Dated 12-10-2015

Dvs