

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
HON'BLE SMT JUSTICE ANIS
WRIT PETITION No.27371 OF 2015

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ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The learned counsel for the petitioners as well as the learned Government Pleader would submit that a similar *lis* came for consideration before the Division Bench of this Court in W.P.No.7868 of 2010, which was disposed of on 9th October, 2013, *inter-alia* holding that whenever services of a contract employee are regularized in terms of G.O.Ms.No.212 dated 22.04.1994, one of the conditions is that he must be placed below the last candidate, who was selected on regular basis. The Court also found that the representation made by the petitioners in that case for extending the benefit of their past service put in by them prior to regularisation was without any basis and the Government was not at all justified in extending any such benefit affecting seniority to the persons appointed on regular basis. It is also pointed out by the Court that based upon the erroneous seniority given to such candidates, pay scales of the petitioners were revised and in consequence thereof, recoveries are sought to be effected from their salaries. In that context, the Court while upholding the order of the Andhra Pradesh Administrative Tribunal in the Original Application, restricted the recovery from the petitioners in that case to half of what was paid to them in excess. Counsel for the petitioners in this case also would suggest that this writ petition also can be disposed of restricting the recovery made in excess to 50%.

Thus, the present writ petition is disposed of in the same terms.
No order as to costs.

The miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

Date: 08.09.2015
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