

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT APPEAL No. 315 OF 2006

J U D G M E N T: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This is a very old matter. On 21.03.2016, when the matter was taken up by us, none appeared and the learned Government Pleader for Social Welfare (Telangana) was present. However, we adjourned the matter by one week. When the matter was taken up by us on 06.04.2016, again, there was a request made by the learned counsel for the appellant to adjourn the case by a week. Accordingly, we adjourned the matter. When we have taken up the case today, none appears for the appellant and there is also no representation on his behalf.

This Appeal is preferred by the writ petitioner against the order of dismissal of the Writ Petition on 27.12.2005. The Writ Petition itself is filed for a declaration that the action of the 1st respondent Project Officer, Integrated Tribal Development Agency, Eturunagaram, Warangal District in not considering the case of the petitioner for regularization of his services with effect from the date of his initial appointment as a daily-wage teacher on 26.02.1991 and not sanctioning notional increments from that date, as arbitrary.

The learned Government Pleader has pointed out that only a daily-wage employee was sought to be regularized by the government, pursuant to a policy decision taken, provided he completes five years of service as on the cut-off date. This very petitioner has preferred a Writ Petition earlier, in Writ Petition No. 28537 of 1996 on the premises that he is entitled to be appointed on regular basis. When an interlocutory order was passed therein, alleging that the said order has not been complied with, C.C.No. 538 of 1997 was filed. At that stage, the respondents have appointed the petitioner-appellant on

06.08.1997 and his services were subsequently regularized through a proceeding, dated 14.09.2001 with effect from 06.08.1997, the date on which he was regularly appointed. The petitioner-appellant again submitted a representation that the date of regularization must be altered to that of his initial date of engagement and also for payment of the consequential benefits. On the ground that the representation dated 14.12.2004 has not been disposed of, he filed Writ Petition No. 25228 of 2004. That Writ Petition was disposed of directing the respondents to deal with the representation of the petitioner-appellant dated 14.12.2004 and pass appropriate orders. Then, the 1st respondent Project Officer, Integrated Tribal Development Agency rejected the claim of the petitioner through his orders dated 24.07.2005. That order is challenged in this Writ Petition.

No ground is made out as to why the services of the appellant-petitioner should be regularized with effect from 26.02.1991, the initial date of his engagement as a teacher on daily-wage basis. Since there is no rule or a regulation framed by the Integrated Tribal Development Agency, which can be enforced, the action of the 1st respondent herein in regularizing his services with effect from 06.08.1997, the date of his regular appointment, could not have been faulted.

The schemes of regularization are announced once in a while by the State Government proposing to regularize the services of the temporary employees of the government. The reason being, the State Government does not indulge in a regular recruitment process on an annual basis. Consequently, when sizable number of vacancies become accumulated in public services, resort to recruitment is made. To get the work performed, in the meantime, using the provisions to make temporary appointment, available with the State, like that of Rule 10(a) of the Andhra Pradesh State and Subordinate Service Rules, temporary appointments are made. Once the contingency is got over, the temporary employees are supposed to be discharged, instead,

they are being continued for a number of years. That would unnecessarily create a false hope in the minds of such temporarily-employed persons, which, in turn, manifests itself in announcing the schemes of regularization later on. The ideal course to be adopted by every employer of public employment is to invite applications and throw open the process of selection to all qualified people, consider them and pick up the best. When once regular process of selection is undergone, the candidates so selected shall be regularized immediately.

Be that as it may, in the instant case, we do not find any reason, much less a justifiable one, for the writ petitioner-appellant to solicit regularization of his services with effect from his initial date of engagement as a daily-wage teacher. So long as the order of regularization of his services with effect from 06.08.1997 has not been called in question and challenged and it stays put, the relief prayed for in the Writ Petition could not have been granted. Therefore, we find no merit in this Writ Appeal and it is accordingly, dismissed, but however without costs of this Appeal.

Consequently, the miscellaneous applications, if any shall stand disposed of.

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

13th April 2016

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