

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

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WRIT APPEAL NOS.530, 531, 532, 533 AND 534 OF 2016

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COMMON JUDGMENT
(per Hon'ble Sri Justice Sanjay Kumar)

Oil & Natural Gas Corporation Limited (*hereinafter*, 'the Corporation') is in appeal against the common order dated 11.03.2016 passed in W.P.No.29116 of 2014 and batch, whereby a learned Judge directed the Corporation to regularize the services of the petitioners in all the cases in the posts of Field Operators with effect from 07.07.2008, the date on which they were engaged as Field Operators, with all consequential benefits, after selecting them through an open and direct recruitment process. The Corporation was given liberty to fill up the remaining vacancies after absorbing the petitioners in the regular posts. These writ appeals assail the common order in so far as it pertains to W.P.Nos.29116 of 2014, 33033 of 2015, 30749 of 2014, 28212 of 2015 and 16318 of 2015.

Heard Sri E.Manohar, learned senior counsel representing Sri Kakara Venkata Rao, learned counsel for the Corporation; Sri C.V.Mohan Reddy, learned senior counsel representing Sri J.Kanakaiah, learned counsel for respondents 1 to 7 and 9 to 13 in W.A.No.534 of 2016/writ petitioners in W.P.No.16318 of 2015; Sri Vedula Srinivas, learned counsel for the 1st respondent in W.A.No.530 of 2016/writ petitioner in W.P.No.29116 of 2014 and respondents 1 to 14 in W.A.No.532 of 2016/writ petitioners in W.P.No.30749 of 2014, Sri Ch.Srinivas, learned counsel for respondents 1 to 4 in W.A.No.533 of 2016/writ petitioners in W.P.No.28212 of 2015 and Sri Rama Mohan Palanki, learned counsel for respondents 1 to 5 in W.A.No.531 of 2016/writ petitioners in W.P.No.33033 of 2015.

Perusal of the prayers in the writ petitions before the learned Judge reflects that they were more or less identical in terms. The prayer was to declare that the action of the Corporation in not regularizing the services of the writ petitioners in A1, A2 and W1 levels as Field Operators at Rajahmundry and Kakinada despite their continuous service for not more than 20 years was illegal and to issue a consequential direction to the Corporation to regularize

the services of the petitioners in A1, A2 and W1 levels with all benefits before going for any recruitment of outsiders in the existing 183 posts. In W.P.Nos.16318 and 33033 of 2015, the prayer was slightly different and reads to the effect that the petitioners sought a declaration that the inaction of the Corporation in regularizing their services as Field Operators at Rajahmundry and Kakinada despite their continuous service for more than 20 years was illegal and seeking a consequential direction to regularize their services in the respective categories in which they were working with consequential benefits.

As pointed out by Sri E.Manohar, learned senior counsel, there was no challenge laid to the notification dated 01.09.2014 issued by the Corporation in relation to various posts falling under A1, A2 and W1 levels. The grievance of the petitioners was that the Corporation was resorting to direct recruitment to these categories of posts without considering regularization of the petitioners in the said posts in the first instance. According to them, they had worked for more than 20 years as Field Operators in the service of the Corporation and were therefore entitled to such regularization of their services.

The length of service rendered by these persons is disputed by Sri E.Manohar, learned senior counsel, who would point out that their tenure appointments pursuant to an understanding arrived at in the year 2008 were for two terms of four years each and that the service rendered by them prior to this arrangement was under private contractors or on a contract basis.

According to the Corporation, the recruitment sought to be undertaken under the notification dated 01.09.2014 was to cadre posts falling under A1, A2 and W1 levels. These posts were stated to have nothing to do with the posts of Field Operators which were *ad hoc* and tenure based posts. The Corporation further stated before the learned Judge that a written examination had been conducted on 16.11.2014 pursuant to the impugned notification dated 01.09.2014 and 10,300 candidates had participated therein, including 201 eligible Field Operators.

Though Sri C.V.Mohan Reddy, learned senior counsel, would contend that the learned Judge had only directed regularization of the services of the petitioners in the posts of Field Operators, it is an admitted fact that such a post is not borne out as a cadre post in the services of the Corporation. Further, the prayer of the petitioners in most of the cases was to regularize their services in

A1, A2 and W1 levels as Field Operators. Significantly, the learned Judge in the penultimate paragraph of the order under appeal stated as follows:

‘..... The petitioners claim that they are eligible for many of the posts which were advertised under the notification. Therefore, this Court is of the considered view that the petitioners are entitled for regularization of their services in the respondent Corporation without again subjecting them to written test and interview under the notification.’

The aforestated observation clearly indicates that the learned Judge intended that the Corporation should regularize the services of the writ petitioners in the posts notified for recruitment falling under A1, A2 and W1 levels without subjecting them to the recruitment process of written test and interview contemplated under the notification dated 01.09.2014. However, there is no finding on the issue of parity of the posts notified with the posts held by the writ petitioners, whereby they could claim regularization in such notified posts. Further, there is no discussion even as to their eligibility for such regularization in terms of the notification or otherwise. In the absence of specific findings on these crucial aspects, a bald direction to regularize the services of the writ petitioners in the notified posts cannot be sustained. Unless the writ petitioners established in all respects their entitlement to be regularized in the posts notified, relief could not have been granted to them. Unfortunately, as pointed out *supra*, the common order under appeal does not reflect any such exercise having been undertaken. In the absence thereof, we are of the opinion that the matter requires consideration afresh.

The common order under appeal is accordingly set aside and the matters are remitted to the learned Judge having the provision to hear these matters for consideration afresh on all relevant aspects. Interim orders, if any, passed in the writ petitions shall stand restored. However, as it is stated that there is an urgency to fill up the posts notified for meeting operational requirements, it shall be open to both parties to move the learned Judge for expeditious disposal of the matters.

The writ appeals are allowed to the extent indicated above. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

DR. B.SIVA SANKARA RAO, J

14th JULY, 2016
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