

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE SECOND DAY OF AUGUST,
TWO THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.2249 of 2011

Between:

K. Sivasankar and another.

.. Petitioners

AND

Andhra Pradesh State Road Transport Corporation, rep. by its
Chairman & Managing Director, Musheerabad, Hyderabad and
others.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.2249 of 2011

ORDER

Petitioners claim that they have completed ITI courses in Mechanic (Motor Vehicle) and Fitter respectively. Petitioners claim that they have been engaged by the respondent Corporation as Sramiks on outsourcing basis and have been discharging their duties and responsibilities as Sramiks. While so, on 01.11.2010, recruitment notification was issued to fill up the posts of Sramik. This writ petition is filed praying to grant a direction to the respondents to regularize the services of petitioners without reference to recruitment notification.

2. According to respondents, there is no scheme formulated by the Corporation to grant regularization of persons appointed on outsourcing basis. Respondents contend that as per notification dated 01.11.2010, regular recruitment will be held and appointments would be made on regular basis. Petitioners are not eligible to compete to the said post as they are age barred for appointment as Sramik.

3. There is no denial to the contention of the respondents that petitioners are age barred. When maximum age of eligibility is prescribed, petitioners cannot seek regularization without reference to age of eligibility. Moreover, notification is

not under challenge, whereas de hors the notification, petitioners want their services be regularized. According to respondents, there is no such scheme formulated by the respondent Corporation to regularize the services of persons appointed on outsourcing basis. It is also appropriate to note that State Government under Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act 2 of 1994, prohibits any appointment other than in the normal method of recruitment. Though a statutory scheme is formulated under the said Act, unless the person is working as on 25.11.1993 and completed 5 years of service, such person is not eligible for regularization. Petitioners also do not fit into the said scheme. Thus, relief as sought for by the petitioners cannot be granted and the Writ Petition is liable to be dismissed.

4. 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 dismissed.

P.NAVEEN

RAO, J

2nd August, 2016

sj