

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.3117 of 2011

Date : 26.7.2016

Between :

Narsupali Gopala Krishna S/o Laxman Rao
O/o Therlam Branch, District Cooperative Central Bank Ltd
Vijayanagaram district

Petitioner

And

The District Cooperative Central Bank Ltd
Rep by its Chief Executive Officer,
Vijayanagaram district and another

Respondents

The Court made the following:

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ORAL ORDER:

Petitioner was appointed as daily wage employee vide proceedings dated 24.10.2009. This writ petition is instituted seeking declaration that the action of the respondents in not regularizing the services of the petitioner as Clerk and Staff Assistant or in any equivalent post is illegal and consequential direction to regularize services of the petitioner. This Court by order dated 11.2.2011 directed respondents to continue the petitioner in service. Further direction was issued for payment of minimum pay scales attached to the post of Staff Assistant. In terms of the directions issued by this Court, petitioner is being continued in service as on today.

The only grievance of the petitioner in the instant writ petition is that he is entitled for regularization of services.

The first respondent is Cooperative Central Bank. It is not in dispute that Cooperative Central Bank is governed by various Rules, Statute and orders made by the State. The State enacted A.P. (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994

(Act 2 of 1994), which prohibits any employment made without following the due process of selection. By virtue of subsequent amendments to Act 2 of 1994,

a scheme was formulated to regularize services of those employees appointed on temporary/ad-hoc/consolidated pay/daily wage and have completed 5 years of service by 25.11.1993 and who were qualified and subject to availability of vacancies. This enactment governs employment even in the first respondent bank. Admittedly, petitioner was appointed much later and therefore when there is a clear bar for such appointment and prohibition for regularization, the question of granting relief as sought for in the writ petition does not arise. Though, learned counsel for petitioner contends that by now petitioner has put in more than 7 years of service, he may have been continued on account of operation of interim orders of this Court. Petitioner cannot take advantage of his continuance for long time, if he is continued on account of interim orders. No relief for regularization can be granted and the writ petition is liable to be dismissed. It is accordingly dismissed. However, it is open to the petitioner to make a representation to

the authorities of first respondent bank and as and when such representation is made, the same may be considered in accordance with law. Dismissal of the writ petition does not mean that the services of the petitioner shall be terminated, even if there is sufficient work and regular arrangement is not made. No costs.

Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:26.7.2016
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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