

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.7339 of 2016

Date: 10.03.2016

Between:

Koppusetty Narasingh Rao

.. Petitioner.

And

The State of A.P. rep by its Prl.
Secretary, MA and UD Department (D2)
Secretariat Buildings, Hyderabad
and others

.. Respondents.

Counsel for the petitioner: Mr. P.Raghavender Reddy

Counsel for the respondents 1 to 5: GP for Services (AP)

The Court made the following:

ORDER: (Per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Feeling aggrieved by order, dated 18.12.2015, in O.A.No.6248 of 2012 passed by the A.P. Administrative Tribunal, Hyderabad (for short, 'the Tribunal'), the applicant therein has filed this writ petition.

The petitioner has been working as NMR/Daily Wage Worker in respondent No.2-Corporation. By G.O.Rt.No.1139, dated 06.10.2010, respondent No.1 has regularized the services of 51 NMRs working in respondent No.2-Corporation, but it denied the said benefit to the petitioner. The petitioner has, therefore, approached the Tribunal for a direction to respondent No.1 to regularize his services in accordance with G.O.Ms.No.212, dated 22.04.1994. However, during pendency of the said O.A, the petitioner has got his pleadings and prayer amended by claiming that he is entitled to regularization as per G.O.Ms.No.1320, dated 15.12.1981, and G.O.Ms.No.300, dated 24.06.1985. The Tribunal has taken the view that the petitioner has not approached respondent No.1 by claiming regularization of his services based on the above-mentioned two G.Os and that it is only by way of amendment brought out to the Original Application that he has claimed this relief. The Tribunal has, accordingly, declined to grant the relief to the petitioner, however leaving him free to approach respondent No.1 with a representation for regularization based on the above-mentioned two G.Os.

Mr. P.Raghavender Reddy, learned counsel for the petitioner, submitted that the material filed by the petitioner before the Tribunal clearly shows that the services of persons, who were far younger to the petitioner, were regularized, while rejecting the claim of the petitioner.

In our opinion, the Tribunal has not committed any error in taking

the view that as the petitioner has not put forth his claim based on G.O.Ms.No.1320, dated 15.12.1981, and G.O.Ms.No.300, dated 24.06.1985, he cannot be granted the relief based on the said G.Os, which were pressed into service for the first time before the Tribunal and that too by way of an amendment. If the petitioner is entitled to the benefit of regularization under the above-mentioned G.Os, he needs to make a request based on the said G.Os before respondent No.1 and only in the event of his failure to convince respondent No.1 to regularize his services based on the said G.Os, that he can approach the Tribunal.

In this view of the matter, while declining to interfere with the order of the Tribunal, the petitioner is permitted to make fresh representation to respondent No.1. If such a representation is made, respondent No.1 shall consider it, take a decision and communicate the same to the petitioner within two months of receipt of such representation.

The Writ Petition is, accordingly, disposed of. As a sequel to disposal of the writ petition, WPMP.No.9376 of 2016 stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL,J

10.03.2016

v v