

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.23019 of 2016

ORDER

This writ petition is filed seeking to declare the action of the 1st respondent in not regularizing the services of the petitioner on par with his juniors as per G.O.Ms.No.390, Revenue (Endtts.III) Department, dated 6.5.1991, as arbitrary and illegal.

Initially, the petitioner was engaged as NMR casual Labour in the year 1985 in the department of Public Works Store (Civil), TTD, Tirupati, under the control of the 3rd respondent. His services were terminated in the year 1991. Challenging the said termination, he along with others filed W.P.No.5964 of 1991 and the same was disposed of 23.4.1991 and the operative portion of the orders reads as under:

“I am not in a position to ascertain whether the petitioners are senior and have completed 240 days of service or whether the junior were continued. These are all matters of positive proof which the petitioners have to produce before the Executive Office of the Devasthanams. I need only state that the claims be verified and considered if the petitioners are able to made out such claims of former engagement for sufficiently along time. It is necessary to point out that the casual/NMR employment was effected contrary to the positive directions issued by the State Government. The State Government had noticed that, such appointment/engagement were made without reference to the rules relating to qualifications or reservations and it had frowned upon the policy of the Devasthanam to seek regularization of such irregular appointments. I, therefore, direct that the considering the claims of the petitioners for regular absorption as stated above, the respondent shall strictly adhere to the relevant rules relating to qualifications, eligibility and reservations. The respondent

shall consider the petitioners claims along with others, when occasion for future employment arises.”

Thereafter, the respondents sent call letter on 18.10.1996 to the petitioner to attend interview for the post of MPW in the Health Department on 14.11.1996, but the results were not declared. It appears that TTD Board passed a resolution on 25.6.2012 accepting the cases of 107 persons for regularization of their services from the date of their initial engagement as NMRs on par with the petitioners in W.P.No.18939 of 1995. The petitioner submitted a representation to the Chief Minister on 23.2.2015. Pursuant to the same, a Memo was issued to the 3rd respondent on 6.5.2015 calling for remarks. The 3rd respondent, in turn, submitted a detailed report on 16.7.2015. In the said report, it was stated that the petitioner worked for 273 days and is entitled for absorption on par with his juniors. The Superintending Engineer-I, TTD, Tirupati forwarded the report of the Executive Engineer,VII, TTD, Tirupati, to the 2nd respondent on 27.8.2015. Pursuant to the same, the 1st respondent issued a notice dated 23.2.2016 duly enclosing rejection notice dated 4.11.2013 wherein it was stated that he was not selected pursuant to the interview held on 14.11.1996 and hence, his case was rejected. Even though his case was rejected as aforesaid, the petitioner submitted a representation on 28.3.2016 to the 1st respondent seeking regularization of his services as Mazdoor on par with his juniors.

But so far no orders have been passed thereon. Hence, the present writ petition is filed.

Even after giving eight weeks time, no counter-affidavit is filed by the respondents.

In the circumstances, without going into the merits of the case, the Writ Petition is disposed of by directing the first respondent to consider the representation of the petitioner dated 28.3.2016 and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. Copy of such order shall be communicated to the petitioner. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

8th September, 2016
rkk

