

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.19806 of 2016

ORDER:

The petitioners are daily wage employees of respondent No.5 University. They have completed five years of service as on the stipulated date of 25.11.1993 and they fulfilled the requisite qualification prescribed under G.O.Ms.No.212, Finance Department, dated 22.04.1994. Respondent No.5 University constituted a Screening Committee for regularisation of services of daily wage employees and the petitioners appeared before the said Committee. The University passed orders on 04.03.1995 regularising the services of petitioners. The petitioners were also given Special Promotion Scales on completion of eight years of service. However, the revised scales of pay of 2010 and 2013 were not extended to them on the ground that their regularisation was not ratified by the Government. Respondent No.5 accordingly addressed a letter on 16.08.2011 to the Government giving the details of appointment and regularisation of services and it was followed by another letter dated 30.11.2013. The Government addressed a letter on 26.10.2015 stating that there is no provision of regularisation of services without proper permission from the Government as per the Act 2 of 1994. The Government directed respondent No.5 to take action against the concerned for irregular regularisation and intimate the action and further directed to send proposals to the Government for regularisation of eligible personnel only with prospective effect. Accordingly, the University sent proposals on 10.06.2016 and when no action was taken by respondent No.1 on the said proposals, the present writ petition was filed.

Though the case was admitted and notice was ordered on 21.06.2016, no counter is filed.

The facts of case are not in dispute. The petitioners were appointed in 1987 and 1988 and they fulfilled the regularisation period of five years as on stipulated date of 25.11.1993 as per G.O.Ms.No.212, Finance Department, dated 22.04.1994. Their services were regularised by respondent No.5, who is the Appointing Authority, but on the audit objection on the ground that the Government has not approved the regularisation, the revised pay scales of 2010 and 2013 were not extended to the petitioners. In the circumstances, the Government should not have directed respondent No.5 to send the proposals for regularisation of eligible personnel only with prospective effect. The Government should have considered the case of petitioners with regard to their eligibility as per G.O.Ms.No.212, Finance Department, dated 22.04.1994 and the provisions of Act 2 of 1994. Since respondent No.5 had already sent proposals on 10.06.2016, it is for respondent No.1 Government to take appropriate action in accordance with law.

In view of the above, this Writ Petition is disposed of by directing respondent No.1 to consider the proposals sent by respondent No.5 dated 10.06.2016 and pass appropriate orders thereon within a period of three (3) months from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

08.08.2016
MVA