

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26170 OF 2006

ORDER:

This writ petition is filed questioning G.O.Rt.No.619 Social Welfare (SCP.II.2) Department, dated 13.10.2006 rejecting the case of the petitioner for regularization in terms of G.O.Ms.No.212, Finance and Planning (FW.PC.III) Department, dated 22.04.1994.

2. It is the case of the petitioner that he is working since 10.07.1987, as a NMR Watchman/driver and his services were utilized as driver in the place of regular driver under the proceedings of the second respondent on 29.12.1987. On 31.10.1998 the regular driver has expired and the District Collector issued proceedings on 25.02.2000, regularizing the services of the petitioner as driver with effect from 01.11.1998. Thereby, the pay of the petitioner is fixed by the third respondent on 06.03.2000. Later however, by order dated 29.04.2000, the regularization made on 25.02.2000 has been cancelled. The petitioner challenged the same by way of filing W.P.No.2869 of 2003 and the same came to be disposed of on 12.07.2005, directing the petitioner's case to be considered under G.O.Ms.No.212, dated 22.04.1984, with reference to AP Government Drivers (Technical Category) Subordinate Service Rules. Non-compliance with the orders of this Court in W.P.No.2869 of 2003, dated 12.07.2005, the

Government issued G.O.Rt.No.619 dated 13.10.2006 rejecting the case of the petitioner.

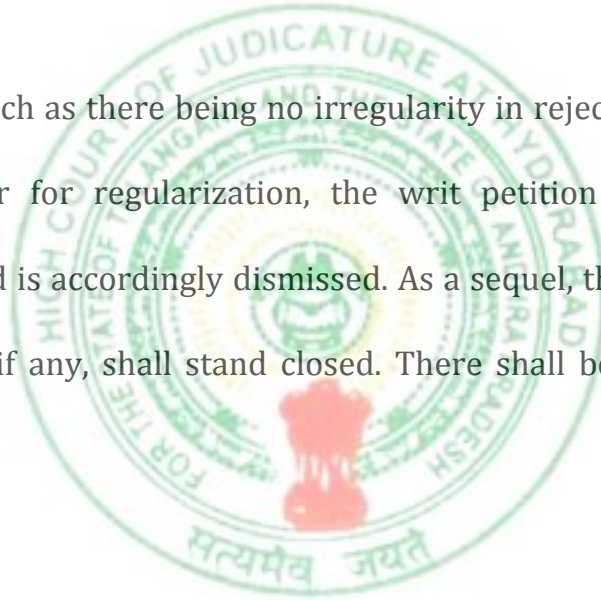
3. The case of the petitioner was considered and in view of the claim made by the petitioner with respect to the entitlement under G.O.Ms.No.212, the same came to be dismissed under the impugned G.O. on the ground that there is no sanctioned post of driver in social welfare engineering wing and, as such, the regularization of the petitioner's services cannot be done as the same can be done only against a sanctioned post, which is again a primary condition.

4. The fact that there is no sanctioned post is not being disputed, as according to respondent No.5's counter there are only two sanctioned posts of drivers, which have already been filled up. However, learned counsel for the petitioner submits that the executive engineer, by letter dated 17.09.2016, recommended the case of the petitioner by setting out the draft in the prescribed check list for regularization. Learned counsel for the petitioner prays for a direction to consider the case of the petitioner as per the recommendation dated 17.09.2016.

5. This Court is unable to accede to the request of the learned counsel for the petitioner on account of the fact that on earlier occasion petitioner's claim for regularisation as driver on the ground that he has been working as a driver from 10.07.1987 and the present recommendation dated 17.09.2016 which is said to have been made by

the Executive Engineer though the writ petition itself came to be filed in the year 2006. It may be noted that as on date there is no scheme pending for directing consideration of regularisation, as G.O.Ms.No.212 dated 22.04.1984, which is issued in terms of the Act 2 of 1994, only as a onetime measure. It may also be noted that the recommendation made by the Executive Engineer on 17.09.2016 to regularize the services of the petitioner as office sub-ordinate, is totally in contradiction to the recommendation made earlier seeking to appoint the petitioner as a driver and the same is totally irregular.

Inasmuch as there being no irregularity in rejecting the claim of the petitioner for regularization, the writ petition is liable to be dismissed and is accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.



JUSTICE CHALLA KODANDA RAM

December 16, 2016
LMV