

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.6558 of 2016

03.03.2016

Between:

The State of Andhra Pradesh,
represented by its Principal Secretary,
Forest Department, Hyderabad and others

..Petitioners

And

A.Srinivasa Rao and another

..Respondents

Counsel for the petitioners: Government Pleader for Services (AP)

Counsel for the respondents: --

The Court made the following:

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

This is a hard case, where respondent No.1, who was first engaged in March, 1988, when he has not attained the majority, is subjected to perennial litigation regarding his right for regularization in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994.

2. The facts, which are not in dispute, are that respondent No.1 was first engaged, when he was two years and three months short of his majority, as a daily wage worker (DWW) i.e., technical mastery in the office of petitioner No.4. He has attained majority in June, 1990 and he continued to render his services as technical mastery uninterruptedly all through the years. Under the abovementioned G.O., petitioner No.1 framed a scheme for regularization of nominal muster roll workers (NMRs)/DWWs, who, *inter alia*, shall satisfy the requirement of completion of five years period as NMRs/DWWs as on 25.11.1993, besides being above 18 years of age. The request of respondent No.1 for regularization was turned down only on the ground that though he has completed five years of service as on 25.11.1993, he was minor for a period of two years and three months during that period of five years. Therefore, respondent No.1 was constrained to approach the Tribunal by filing O.A.No.4066 of 2014. By the impugned order, dated 29.06.2015, the Tribunal has disposed of the O.A. following the order, dated 14.11.2013, in O.A.No.1864 of 2013.

3. At the hearing, the learned Government Pleader for Services (AP) representing the petitioners has submitted that a writ petition filed challenging the order, dated 14.11.2013, in O.A.No.1864 of 2013 was dismissed by this Court on the ground of laches and without going into the merits of the case.

4. We have given our earnest consideration to the facts of the present

case, which, as we observe supra, are very hard. No doubt, G.O.Ms.No.212, dated 22.04.1994, stipulates that the persons, who seek regularization, should be within the age limit as on the date of appointment as NMR/DWW. However, by the time the said G.O. was issued, respondent No.1 has completed five years service as DWW, which included the period of two years and three months as minor. Thus, this is not a case, where the engagement of respondent No.1 was made in violation of the conditions stipulated in the said G.O., after its advent. If respondent No.1, was engaged before he attained majority, in our opinion, the substantial blame shall be apportioned to the officer, who permitted him to work as DWW. Coming from a poor strata of society, respondent No.1 has no choice, other than working as DWW even before attaining his majority. Undisputedly, since respondent No.1 attained his majority, he has put in a long number of years of service till date. Based on these hard realities, we are not inclined to deny the relief to respondent No.1 granted by the Tribunal, only on the ground that he did not satisfy one of the requirements of G.O.Ms.No.212, dated 22.04.1994, pertaining to his age.

5. In the premises as above, we decline to interfere with the order of the Tribunal and the Writ Petition is, accordingly, dismissed.

6. As a sequel to dismissal of the writ petition, W.P.M.P.No.8353 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

ANIS, J

03rd March, 2016
GHN