

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.6273 OF 2010

ORDER: (*Per* Hon'ble Sri Justice V. Ramasubramanian)

The petitioner has come up with the above writ petition challenging an order of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), refusing to count his past services for the purpose of fixation of pay, increments and pension.

Heard Mr. A. Tirupathi Goud, learned counsel for the petitioner, and learned Government Pleader for Services-I (TS).

Admittedly, the petitioner was originally appointed as a Night Watchman on 04.07.1993, on consolidated pay, in an institution called Fish Farmers Development Agency (FFDA). It was an agency created under the 8th five year plan. When the agency was wound up in February, 1997, the petitioner was surrendered to the District Collector to find out the possibility of absorption in any other society. But, he did not get absorbed.

Therefore, the petitioner came up with a writ petition in 1995 *viz.*, W.P. No.20528 of 1995. The writ petition was disposed of in the year 2005 by an order, dated 25.03.2005, to the following effect:

"In view of the above, without expressing any opinion on the merits of the case, the District Collector, Khammam (1st respondent herein) is directed to consider the feasibility of absorbing the petitioner in any other Governmental Organization or agency, if there is such provision and if the petitioner is entitled for the same, within a period of three months from the date of receipt of a copy of this order."

Pursuant to the said order, the petitioner was issued a fresh appointment order on 16.06.2005, on a specific condition that he cannot seek any arrears for previous years and his appointment date, namely, his date of joining will be taken as the criteria for all purposes. The relevant portion of the order, dated 16.06.2005, reads as follows:

“Sri K. Malsoor is hereby informed that he cannot claim any arrears of the previous years and his appointment date i.e., his joining date will be taken as criteria for all the purposes hereafter.”

After securing the employment, the petitioner forgot the condition subject to which he was appointed and went before the Tribunal seeking all benefits with effect from the date of his first appointment. The Tribunal dismissed the Application, obviously rightly, on the basis of the terms and conditions of appointment. As against the said order, he is before us.

The very appointment of the petitioner on 16.06.2005 was a fresh appointment subject to the condition incorporated above. The petitioner cannot go back on the same.

In any case, he was not in Government service from 1993 to 1997 to seek the benefit of counting the past services. Hence, the writ petition is devoid of merits and, therefore, it is dismissed. No order as to costs.

As a sequel to dismissal of the writ petition, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed as infructuous.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 08-11-2016.
Dsh

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(Order of the Division Bench delivered by
Hon'ble Sri Justice V. Ramasubramanian)

Date. 08-11-2016

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