

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL NO.90 OF 2014

DATED:03-08-2016

Between:

The Government of A.P.,
Rep. by its Principal Secretary
Department of High Education
Secretariat
Hyderabad
and another

... Appellants

And

S. Chand Basha

... Respondent

COUNSEL FOR THE APPELLANTS: Special Government Pleader
(AP)

COUNSEL FOR THE RESPONDENT: Mr. Mohd. Islamuddin Ansari

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THE COURT MADE THE FOLLOWING:

JUDGMENT: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The respondent was temporarily appointed as Junior Assistant in Osmania College, Kurnool, on 01.01.1984 on a consolidated pay. In terms of G.O. Ms. No.212, dt.22.02.1994, his services were regularized with effect from 14.10.2004. He has retired from service on 31.05.2008. Seeking retrospective regularization of his services, on completion of five years of his temporary appointment with effect from 01.01.1989, or at least from the cut off date of 25.11.1993, the petitioner filed the writ petition in the year 2001. Following the judgment of the Supreme Court in *District Collector/Chairman v. M.L. Singh*^[1], the learned single Judge has allowed the writ petition.

The learned Special Government Pleader (AP) appearing for the appellants has not disputed the fact that the respondent was appointed on temporary basis on 01.01.1984. It is also not the pleaded case of the appellants that there was no clear vacancy on the date of completion of five years of service by the respondent. In *B. Srinivasulu v. Nellore Municipal Corporation* (Civil Appeal No.6318 of 2015, dt.17.08.2015) the Supreme Court has held that subject to the fulfilment of the conditions envisaged under G.O. Ms. No.212, dt.22.04.1994, a temporary employee has a right to be regularized with effect from the date on which he has completed five years of service. However, considering the fact that the respondent has not approached this Court for more than seven years after his services were regularized, Mr. Mohd. Islamuddin Ansari, learned counsel for the respondent, submitted the benefit of the retrospective regularization may be confined only to computation of the pensionary benefits. Subject to the said condition, the order of the learned single Judge is accordingly stands modified only to the above extent.

The writ appeal is accordingly disposed of.

As a sequel to disposal of the writ appeal, W.A.M.P. No.1342 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

03-08-2016

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[\[1\]](#) (2009) 8 SCC 480