

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2918 OF 2009

ORDER :

The case of the petitioner is that petitioner was appointed as a Watchman-cum-Sweeper on 01.07.1987 in the 5th respondent college and his service was regularized w.e.f. 09.10.2001 as per G.O.Ms.No.107, Higher Education (CE.III) Department, dated 09.10.2001 and he was drawing the salary of Rs.2,810/- per month along with D.A., H.R.A., C.C.A and professional tax and his present gross pay is Rs.4270/- per month. The petitioner submits that his service ought to have been regularized in the year 1992 as soon as completion of 5 years of service from the date of appointment, whereas his service was regularized on 09.10.2001 as per the G.O.Ms.No.107 dated 09.10.2001. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed on behalf of the respondents 1 and 2 stating that the petitioner was appointed as watchman on 01.07.1987 as an unaided staff by the management of the 5th respondent college and subsequently the 5th respondent college was admitted into Grant-in-aid w.e.f. 16.04.1990 vide G.O.Ms.No.12.07.1990. The Government vide the above said G.O. issued orders directing to regularise the services of 25 individuals in the posts in private aided junior colleges with prospective effect i.e., from the date of Government orders, as they have fulfilled all the conditions laid down in G.O.Ms.No.212, Finance & Planning (F.C.PC.III) Department dated 22.04.1999 duly changing the designation of watchman as sweeper-cum-watchman. It is also

stated that the petitioner's name was shown at Sl.No.16 and accordingly the Government has regularised petitioner's services w.e.f. 09.01.2001 by taking a lenient view and on humanitarian grounds. Even the W.P.No.2916/2009 relied on by the petitioner was also disposed of with a direction to regularise the services of the employees who were appointed between 1980 and 1984 w.e.f., 16.04.1990 and since no candidate was appointed in the said period, their services were not regularised. Similarly, the petitioner is also not entitled for any regularisation as per the orders in W.P.No.2916 of 2009 and sought for dismissal of the writ petition.

Learned counsel for the petitioner submits that the services of the petitioner should have been regularised from the year 1992 as soon as completion of 5 years of service and have granted all the benefits. He relied on judgment dated 22.08.2013 passed by this Court in W.P.No.2916 of 2009 and states that the ratio mentioned in the said writ petition is applicable to the present case.

On the other hand, the learned Government Pleader for Higher Education submits that the petitioner was appointed as watchman on humanitarian grounds though he is not having the required qualification. She also submits that the petitioners in W.P.No.2916 of 2009 relied on by the petitioner were not regularised as per the orders of this Court since no candidate was regularised who were appointed between 1980 and 1984, therefore the petitioner is also not entitled for regularisation.

It is to be seen that G.O.Ms.No.107 Higher Education (CE.III) Department dated 09.10.2001 was issued regularising the services of the petitioner w.e.f., 09.10.2001. Even according to the writ affidavit, petitioner's pay was fixed and he was paid the same. The petitioner has kept quiet for eight years and filed the writ petition in 2009. According to the learned Government Pleader for Higher Education, the G.O.Ms.No.212 dated 22.04.1999 was not applicable to the petitioner's case since petitioner was appointed in the 5th respondent college in unaided post. It is also stated in the counter affidavit that the services of the petitioners in W.P.No.2916 of 2009 were also not regularised on the ground that no candidate was regularised who were appointed between 1980 and 1984.

In view of the above facts and circumstances, I do not see any merit to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

04.11.2016

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