

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.3832 of 1998

ORDER:

Heard Sri V. Sudhakar Reddy, learned counsel appearing for the petitioners and Sri Mummaneni Srinivasa Rao, learned standing counsel for the respondents-Corporation.

2. The petitioners have been working as daily wage workers in the respondents-Corporation. They filed WP No.17284 of 1996 seeking regularization of their services. The said writ petition was disposed of along with batch of writ petitions, by this court on 03.07.1997 passing the following order:

“.....In these circumstances, I am of the opinion that it would be sufficient if the respondents are directed to give an opportunity individually to each workman to state whether he fulfils the conditions under G.O.Ms.No.212, consider his case and decide whether on such fulfilment, he is entitled to have his services regularised. If it cannot be done, then a speaking order has to be issued to him stating the reasons why his services cannot be regularised. The corporation shall issue show cause notices to each of the petitioners individually and in reply to the show cause notice, the petitioners are at liberty to establish that they fulfil conditions under G.O.Ms.No.212 and also take any other grounds they may have for establishing their claim for regularisation. Until such exercise is undertaken and an order is passed, the workmen concerned who are still in service, are entitled to be continued in service. This, however, does not mean that those who are not in service as on date, would be reinstated. But they will also be entitled to a show cause notice giving specific opportunity to claim that they fulfil conditions under G.O.Ms.No.212 so that if they do establish that they are entitled to regularisation, they shall be taken back and their services shall be regularised. It was brought to my notice that in certain individual cases, there are already decisions either of industrial tribunal or court requiring the continuation of services, and such orders have become final. If so, the persons concerned may bring it to the notice of the Corporation and the Corporation shall give effect to the orders produced on the terms therein.”

3. It is submitted by the learned counsel appearing for the petitioners that after passing of the aforesaid order in the writ petition, the respondents-Corporation issued proceedings dated 24.11.1997 without affording of an opportunity of hearing to the petitioners and to represent their cases by submitting required documents and passed a non-speaking order.

4. Having gone through the order passed by the respondents-Corporation, this court is also of the view that the proceedings dated 24.11.1997 issued by the Corporation are not in conformity with the order passed by the learned single Judge in the above writ petition.

5. Therefore, without going into the merits of the respective contentions, the proceedings dated 24.11.1997 of the 1st respondent are set-aside. The 1st respondents-Corporation is directed to reconsider the case of the petitioners after affording them an opportunity of hearing to establish the claim for regularisation in terms of G.O.Ms.No.212 or on any other grounds. The 1st respondent is also directed to pass a speaking order within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, pending if any in this case, shall stand closed. The Registrar (Judicial) is directed to return the original records deposited by the Corporation under proper acknowledgment.

R. KANTHA RAO, J

Date: 07.01.2016
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