

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.13940 OF 2016

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ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the inaction on the part of the 1st respondent – State Government in taking action for regularisation of the services of the petitioner.

2. Heard Sri Ghanta Sridhar, learned counsel, appearing for the petitioner, learned Government Pleader for Endowments, appearing for the 1st respondent and Sri A.K.Jayaprakash Rao, learned standing counsel, appearing for the 2nd respondent.

3. According to the petitioner, he was appointed as NMR Server on 20.12.1980 in the 2nd respondent Institution at TTD Canteen Complex, Tirumala and his services were dispensed with by the 2nd respondent vide proceedings dated 27.01.1984 on the ground of unauthorized absence. Aggrieved by the said order of removal, petitioner herein raised I.D.No.102 of 1986 and the Labour Court, Anantapur, passed an order, directing reinstatement with continuity of service and full back wages by virtue of award dated 16.12.1986. Aggrieved by the said award dated 16.12.1986, 2nd respondent filed W.P.No.7437 of 1987 before this Court and the said Writ Petition ended in dismissal on 24.06.1993. Subsequently, petitioner was reinstated into service. The 2nd respondent vide letter Roc.No.B5/8463/2008, dated 01.10.2008, sent proposals to the State Government for regularisation of the services of the petitioner with effect from 19.04.1988, as per G.O.Ms.No.296, dated 19.04.1988. According to the petitioner, subsequently, a number of reminders were also addressed in the said direction. Eventually, the 2nd respondent –

Executive Officer, sent a reminder vide letter Roc.No.B5/8463/2008, dated 12.12.2011 to the State Government, requesting for necessary orders for regularisation of the services of the petitioner with effect from 19.04.1988, as per G.O.Ms.No.296, dated 19.04.1988. The grievance of the petitioner in the present Writ Petition is inaction on the part of the 1st respondent pursuant to the above said letters addressed by the 2nd respondent.

4. The material available on record, in manifest terms, discloses that as long back as on 01.10.2008, the 2nd respondent addressed a letter to the State government, informing the State Government about the resolution passed by the TTD and sent proposals for regularisation of services of the petitioner. On 12.12.2011 also a reminder was sent to the Government. According to the petitioner, no action has been taken on the same.

5. In the facts and circumstances of the case, this Court does not find any justification on the part of the 1st respondent in keeping the matter pending for years together. Having regard to the nature of controversy, this Court is of the considered opinion that the ends of justice would be served, if the 1st respondent is directed to take appropriate action on the letters bearing Roc.No.B5/8463/2008, dated 01.10.2008 and 12.12.2011, addressed by the 2nd respondent, by fixing some timeframe.

6. For the aforesaid reasons, Writ Petition is disposed of, directing the 1st respondent – State Government to take appropriate action on the proposals sent by the 2nd respondent for regularisation of the services of the petitioner vide letters Roc.No.B5/8463/2008, dated 01.10.2008, as reiterated in the letter Roc.No.B5/8463/2008, dated 12.12.2011 and pass appropriate orders, without a period of three months from the date of receipt of a copy of this Order.

7. Miscellaneous petitions pending consideration, if any, in the Writ
Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

25.04.2016
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