

HON'BLE SRI JUSTICE P.NAVEEN RAO

—

WRIT PETITION No.5944 of 2011

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DATED : 29.07.2016

Between:

Smt P. Aruna Kumari, W/o.R.Srinivasa Rao,
Aged about 38 yrs, Occu : Employee,
R/o.Jangala Street, Bobbili,
Bobbili Mandal, Vizianagaram District.

.. Petitioner

AND

The District Cooperative Central Bank Ltd.,
Rep., by its Chief Executive Officer,
Vizianagaram.

.. Respondent

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The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5944 of 2011

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ORDER:

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This writ petition is filed praying to direct the respondent-Bank to regularize the service of the petitioner as computer operator or in any equivalent post.

2. The averments in the affidavit filed in support of the writ petition disclose that petitioner was appointed as computer operator by proceedings dated 24.11.2008 and started working in the said capacity since 26.11.2008. According to petitioner she was qualified and eligible as computer operator and there are vacancies available for the said post. Praying to regularize her services a representation was submitted by the petitioner on 05.08.2010. Alleging that the said representation is not considered and no orders are passed, this writ petition is filed.

3. It is not disputed that District Cooperative Central Bank Limited is governed by the Act, Rules formulated by State and Instructions/directions, issued by the Government from time to time. Then State of Andhra Pradesh enacted Andhra Pradesh (Regulation of Appointments to Public Services & Rationalization of Staff Pattern and Pay Structures) Act, 1994 (Act 2 of 1994). This Act prohibits appointment by any other means other than by following regular recruitment process.

4. In view of the subsequent amendment to the Act, the scheme of regularization was given a statutory recognition. This scheme envisage consideration for regularization of such of those

daily wage/consolidated employees who were put in minimum five years of service by 25.11.1993 and were otherwise eligible, subject to availability of vacancies. The averments of the affidavit would disclose that the petitioner was appointed on daily wage basis in the year 2008 i.e., much after the Act 2 of 1994 was notified.

5. It is the categorical assertion of the respondent that there are no vacancies of computer operator and even if there are regular vacancies such vacancies can be filled up only in accordance with Rules and Regulations governing permanent appointment. It is further asserted that the appointment given to the petitioner is only a contingent arrangement to meet the urgent work relating to the Bank.

6. Having regard to the mandate of Act 2 of 1994, and the statement of the respondent which is not contraverted, no relief for regularization as prayed for can be granted.

7. Writ petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

29th July, 2016
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