

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY

AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.19462 of 2016

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23.06.2016

Between:

The State of Telangana,
represented by its Secretary,
Panchayat Raj and Rural Development Department,
Hyderabad and others

..Petitioners

And

Md.Khaleel-ul-Rahman and another

..Respondents

Counsel for the petitioners: Government Pleader for Services (TS)

Counsel for the respondents: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Respondent No.1 was engaged as Hand Pump Borewell Mechanic in the office of petitioner No.3 with effect from 01.03.1987 *vide* proceedings, dated 06.03.1987. As his services were not regularized in spite of letter No.A3/943/94, dated 11.07.1994, of petitioner No.3 recommending for regularization, respondent No.1 filed O.A.No.4333 of 2000 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') and secured interim order, dated 26.07.2000, wherein the petitioners were directed to take action on the proposals in terms of G.O.Ms.No.212, Finance and Planning (FW.PC.III) Department, dated 22.04.1994. The said interim order was not complied with. However, by order, dated 14.10.2004, the Tribunal disposed of the said O.A. granting the relief in favour of respondent No.1 in terms of the aforementioned interim order. Even that order was not complied with. Therefore, respondent No.1 was constrained to file Contempt Application No.1406 of 2010. Finally, petitioner No.3 issued proceedings No.A5/161/Court Case/2010, dated 05.01.2011, rejecting the claim of respondent No.1 for regularization. Assailing the same, respondent No.1 filed O.A.7353 of 2011.

2. Separate counter-affidavits were filed by petitioner Nos.1 to 5 and petitioner No.7 before the Tribunal, wherein it was admitted that respondent No.1 was being continued as NMR (nominal muster roll) on daily wages with a gap of one day for each 15 days from 01.07.1987 to 28.02.1997. It was, however, pleaded that respondent No.1 was unauthorizedly absent for a period of 50 days i.e., from 29.04.1992 to 17.08.1992. The Tribunal, however, pointed out that in the proceedings of petitioner No.3 impugned before it and letter, dated

18.11.2011, addressed by petitioner No.3 to petitioner No.2, it was stated that the period of absence was from 29.04.1992 to 17.08.1997.

Having regard to the facts placed before it, the Tribunal properly analyzed the same and observed that the plea of the petitioners that respondent No.1 was unauthorizedly absent for the period specified by them was not substantiated by producing relevant record and proper material. The Tribunal also found that as per the settled legal position, the artificial breaks are liable to be ignored for considering the claim of an employee for regularization. Accordingly, the Tribunal gave a direction to petitioner Nos.6 and 7 to regularize the services of respondent No.1 in terms of G.O.Ms.No.212, dated 22.04.1994.

3. Having carefully considered the sound and weighty reasons given by the Tribunal, we do not find any reason to interfere with the impugned order.

4. The Writ Petition is, accordingly, dismissed.

5. As a sequel to dismissal of the writ petition, W.P.M.P.No.23872 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

23rd June, 2016
GHN