

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.MP.No.5245 of 2016

in

W.P.MP.No.44283 of 2016

in/and

WP.No.35928 of 2016

COMMON ORDER:

WV.MP.No.5245 of 2016 is filed by the respondents in the Writ Petition seeking to vacate the interim order passed by this Court on 25.10.2016 in WP.MP.No.44283 of 2016 in W.P.No.35928 of 2016.

2. Parties herein after will be referred to as per their array in the Writ Petition.

3. Petitioner had filed the Writ Petition assailing the order dt.26.08.2016 in proceedings No.A2/43/2014 of the 3rd respondent denying petitioner's claim for regular appointment by cancelling the order dt.05.01.2016 issued by the 3rd respondent, but permitting the petitioner to continue as Daily Wage Worker in Government Social Welfare Girls Hostel, Ramadugu, Karimnagar.

4. Admittedly petitioner belongs to Scheduled Caste Community and was a victim of atrocity of rape.

5. As per G.O.Ms.No.29 Social Welfare (H) Department, dt.08.03.1985, petitioner was entitled to compensation of

Rs.5,000/-. However, the 4th respondent taking a compassionate view of the matter issued proceeding dt.05.03.1991 appointing her as Temporary Worker at Government SC Girls Hostel, Peddapally.

6. On 05.01.2016 the 3rd respondent issued proceeding No.A2/43/2014 appointing the petitioner as Watchwoman and posted her at Government Social Welfare Girls Hostel, Ramadugu in an existing vacancy

7. Subsequently, a show cause notice was issued to the petitioner by the 3rd respondent on 22.08.2016 proposing to cancel her appointment as Regular Worker at the said Government Social Welfare Girls Hostel on the ground that she did not fulfil minimum five years of service on 25.11.19093 as stipulated in G.O.Ms.No.212 Fin. & Plg., dt.22.04.1994.

8. Petitioner gave explanation to the said show cause notice contending that G.O.Ms.No.212 dt.22.04.1994 will not be applicable to her and that only G.O.Ms.No.29 dt.08.03.1985 is applicable.

9. The 3rd respondent then passed the impugned order dt.26.08.2016 rejecting petitioner's explanation. In the impugned order it is pointed out that only in situations where there is death or permanent incapacitation of the

member of Scheduled Caste Community, an eligible member of the family of said person is entitled under G.O.Ms.No.29 dt.08.03.1985 for a regular post in the Government; that the petitioner would not fall in that category, though she has been appointed as a Daily Wage worker on 05.03.1991; and that petitioner was not entitled to the benefit of regular appointment even though she might have put in more than 25 years of service, since she did not complete minimum of five years of service as on 25.11.1993 prescribed under G.O.Ms.No.212 dt.22.04.1994. It is further stated that the petitioner will be continued as Daily Wage Worker at the same place i.e., Government Social Welfare Girls Hostel, Ramadugu, Karimnagar.

10. Assailing the said order, this Writ Petition is filed.

11. Initially on 25.10.2016 in W.P.MP.No.44283 of 2016 in W.P.No.35928 of 2016 this Court granted interim order directing the respondents to continue the petitioner as Watchwoman at the Government Social Welfare Girls Hostel, Ramadugu by suspending the impugned order dt.26.08.2016.

12. W.V.MP.No.5245 of 2016 is filed by the respondents to vacate the said order.

13. Counsel for petitioner reiterated that the petitioner having worked for 25 years, her services were rightly regularized and regular appointment was given on 05.01.2016 by the 3rd respondent and that overlooking the G.O.Ms.No.29 dt.08.03.1985, the impugned order has been passed terminating the petitioner's regular appointment as Watchwoman.

14. The Government Pleader for services on the other hand supported the impugned order.

15. Admittedly, petitioner belongs to SC Community and is a victim of an atrocity of rape. As per G.O.Ms.No.29 dt.08.03.1985 she was only entitled to compensation of Rs.5,000/- from the State and was not entitled for any appointment. Only such victims were entitled to regular employment in Government under the said G.O. if there was death or permanent incapacitation. Thus, though the petitioner was not entitled to any appointment, on sympathetic grounds, it appears that the 4th respondent appointed her in 1991 as Daily Wage Worker at Government SC Girls Hostel, Peddapally on temporary basis. It may be that the petitioner had worked in the said post for the last 25 years, but as per the scheme of regularization prevalent in the State of Telangana, she should fulfil the stipulation of minimum five years of service as on 25.11.1993 for

regularization of her services vide G.O.Ms.No.212 dt.22.04.1994. Since the petitioner had been appointed as Temporary Worker only on 05.03.1991, she did not possess the five years service as on 25.11.1993(the cut off date prescribed under the said G.O.).

16. The contention of the petitioner that G.O.Ms.No.212 dt.22.04.1994 would not apply to her, is without any merit since the petitioner is not able to point out any other Government Order entitling her for seeking the relief of regularization.

17. The 3rd respondent in the impugned order, while cancelling the earlier order dt.05.01.2016, has directed continuance of the petitioner as a Daily Wage Worker/Watchwoman in Government Social Welfare Girls Hostel, Ramadugu.

18. In this view of the matter, I do not find any valid ground for interfering with the impugned order.

19. Therefore, the W.V.MP.No.5245 of 2016 is allowed and the order dt.25.10.2016 in W.P.MP.No.44283 of 2016 in W.P.No.35928 of 2016 is vacated. Consequently, the Writ Petition is dismissed. No costs.

20. Miscellaneous petitions pending if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

22nd September, 2017.

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