

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION (TR) No.59 of 2017

Date :25.7.2017

Between :

D Venkata Swamy S/o Kurumanna
Watchman cum Sweeper
O/o Rural Development Office, Wanaparthy
R/o H No. 30-29 Gandhinagar
Wanaparthy

Petitioner

And

The Government of AP
Rep by its Secretary, Revenue (Ser.III.2) Department
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner instituted O.A No. 5280 of 2012 before A.P. Administrative Tribunal, since transferred to this Court, praying to grant declaration that the action of respondents in not regularizing his services as watchman-cum-sweeper in terms of G.O.(P) No. 112 Finance and Planning (FW.PC.III) Department dated 23.7.1997 even though he has put in 25 years of service, is illegal.

2. In the counter affidavit filed on behalf of respondents, the contention of the petitioner that he was working continuously was denied. It is asserted that petitioner was not appointed as watchman cum sweeper in the year 1985 and not discharging the duties as watchman. It is further asserted that as per the request of the petitioner, the Revenue Divisional Officer given permission to work as sweeper in the early morning only for one hour on condition of 0-20 wages to be paid as and when sanctioned.

3. Petitioner places reliance on the correspondence/endorsement dated 9.6.2011 of Revenue Divisional Officer, Wanaparthy addressed to the Collector, Mahaboobnagar, wherein he has informed that petitioner was paid remuneration of Rs.500/- per month for the months of January and February, 2003 and since then budget is not available and remuneration is due to be payable from March, 2003 to May, 2011 totalling to Rs.49,500/-. By referring to this correspondence, learned counsel for petitioner contended that petitioner was working continuously. However, no proof is filed of his engagement and continuation as claimed in the writ petition and correspondence relied upon by the petitioner only refers, at the most, to his work from January, 2003.

4. However, to ascertain the true and correct facts of the work of the petitioner, learned Government Pleader was directed to obtain instructions. Sri K Chandra Reddy, working as Revenue Divisional Officer addressed letter

No.A/523/2013 dated 21.7.2017 to Government Pleader for Services-II, High Court, informing that petitioner could not have been appointed as contingent watchman cum sweeper in Revenue Divisional Office, Wanaparthy as said office was newly established on 13.4.1998 and the question of his working earlier to that date would not arise. It is further asserted that petitioner is not working as sweeper in his office at present also. A statement of staffing pattern is also enclosed to the said letter. The said letter dated 21.7.2017 is taken on record.

4. As per the scheme of regularization formulated by G.O (P) 112 dated 23.7.1997 a part-time employee who has worked for 10 years can be considered for regularization of services subject to fulfillment of all other requirements. The cut-off date prescribed was 25.11.1993. Taking into consideration the said date, petitioner cannot ask for regularization. Even if the date of Government Order is taken into consideration, petitioner has not completed 10 years.

5. The statement of the Revenue Divisional Officer, would disclose that petitioner was neither working prior to 1998 nor working for the present. Therefore the claim of regularization as sought for by the petitioner under G.O (P) 112 dated 23.7.1997 cannot be granted.

6. Accordingly, the writ petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 25.07.2017
TVK

P NAVEEN RAO,J

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