

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.26683, 27959 and 28600 of 2017

COMMON ORDER:

These three Writ Petitions are being disposed of by this common order, as the issue raised by the petitioners is same.

2. Petitioners state that they were initially appointed on part-time basis and subsequently their services were regularized. Now, they state that they have been continuing in service, but their past service as part-time Sweepers is not taken into account for the purpose of future benefits.

3. A counter-affidavit is filed on behalf of the respondents, more particularly respondent No.8, admitting regularization of services of the petitioners and absorbing them in clear vacancies in terms of G.O.(P) No.112, Finance and Planning (FW.PC.III) Department, dated 23.07.1997, and also after obtaining permission from Government vide Government Order No.22, PR&RD (Estt.V) Department, dated 11.02.2014. It is stated that the petitioners are not eligible to the benefit under G.O.Ms.No.156, Finance and Planning (FW.POEN.I) Department, dated 29.4.1983. The allegation that they were working on full-time basis on par with regular employees was denied. The respondents passed office order on 30.05.2017, informing the petitioners that they are not entitled to the benefit under G.O.Ms.No.156, dated 29.04.1983. But, the said order was not challenged so far. It is also stated that the petitioners failed to furnish their date of initial appointments to any category of post and dates of their regularization in respect of those posts.

4. It is submitted by learned counsel for the petitioners that as on today the petitioners are continuing in service. But, when the petitioners were asked to show the cause for filing the writ petitions, they could not point out the cause of action for granting the relief. Even otherwise also as pointed out by respondent No.8 in the counter-affidavit that when the office order was issued on 30.05.2017 informing that the benefit under G.O.Ms.No.156, dated 29.04.1983, is not applicable to them, they did not challenge the said order. A perusal of the affidavit does not disclose any provision of law or Government Order, under which the services of part-time Sweepers can be taken into consideration for calculation of regular service. In the circumstances this Court sees no ground to entertain the present Writ Petitions.

5. At that stage, learned counsel for the petitioners submits that since the services of the petitioner in W.P.No.26683 of 2017 were regularized as per G.O.Ms.No.212, dated 22.04.1994, he is entitled for the benefit of granting past service for all purposes. If that is so, it is for the petitioner to submit a representation separately ventilating his grievance and he can satisfy the authorities with regard to counting his part-time service for the purpose of pension or any other benefit. But, a common order cannot be passed clubbing the relief sought for by the petitioners covered by G.O.(P) No.112, dated 23.07.1997, and the petitioner, whose services were regularized as per G.O.Ms.212, dated 22.04.1994, for counting his past service. Even otherwise also, no cause of action is pointed out.

6. In the circumstances, these Writ Petitions are disposed of giving liberty to the petitioners to submit an appropriate representation for considering their past service for all benefits wherever they are applicable and if such representation is filed, it is for the respondents to consider the same. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 18, 2017

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Date: 18.12.2017

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