

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 558 of 2009

Order:

Heard learned counsel for the petitioner. None appeared for the respondents.

The petitioner claims that he joined as NMR in Khammam Municipality as Laskar in the year 1987 and was continuing in service since then. While so, the Government issued G.O.Ms.No.212, Finance and Planning (PC.III) Department, dated 22.04.1994, framing guidelines for regularization of services of the persons appointed on daily wage or NMR or on consolidated pay and were continuing on the date of commencement of the said Government Order. The petitioner completed the requisite period of five years of service by the date of issuance of G.O on 22.04.1994, but the respondents failed to regularize the services of the petitioner. In those circumstances, the petitioner along with nine others filed W.P.No.2780 of 1998 seeking a direction to regularize their services in terms of G.O.Ms.No.212 dated 22.04.1994. During the pendency of the above Writ Petition, the first respondent issued G.O.Ms.No.224, MA, dated 20.05.2002, directing the regularization of the services of the petitioner and 20 other NMRs of Khammam Municipality prospectively and the same is challenged in the present Writ Petition so far as it went against the petitioner.

It is submitted by the petitioner that W.P.No.2780 of 1998 was disposed of on 14.06.2005 in view of the orders of regularization passed in favour of the petitioner. But, since the petitioner was denied long period of service by regularizing the services effective from the date of issuance of the proceedings dated 20.05.2002, the present Writ Petition is

filed. In fact, the petitioner should have agitated this point in the earlier W.P.No.2780 of 1998, since the present order was available as on the date of disposal of the Writ Petition on 14.06.2005. However, so far as the petitioner was concerned, in view of the orders of regularization, the writ petition was disposed of as infructuous. The present point relates to the reckoning of service and regularization of the services of the petitioner from the date of completion of five years of service as stipulated in G.O.Ms.No.212, Finance and Planning (PC.III) Department, dated 22.04.1994, which was not done under the proceedings dated 20.05.2002 by making the regularization prospective. The point raised in the Writ Petition is no longer *res integra*, as identical point was considered by the Hon'ble Supreme Court in B. Srinivasulu v. Nellore Municipal Corporation in SLP No.12432 of 2014 dated 17.08.2015, wherein the Hon'ble Supreme Court set aside the order of this Court upholding the order of the Tribunal making the regularization effective from the date of filing the original application and holding that the appellants are entitled for regularization with effect from the date of their completing five years of continuous service as was laid down in District Collector/ Chairperson and others v. M.L. Singh and others¹.

In view of the ratio laid down by the Hon'ble Supreme Court, the petitioner is also entitled for regularization of his services from the date of his completing five years of continuous service as NMR in terms of G.O.Ms.No.212 dated 22.04.1994 and entitled to all consequential benefits.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

¹ 2009(8) SCC 480

As a sequel thereto, the miscellaneous petitions pending in this
Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 14.06.2017
Nsr

