

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.39212 of 2015

ORDER: (*Per VRS,J*)

Aggrieved by the order passed by the Andhra Pradesh Administrative Tribunal, directing the regularization of the services of the respondents 1 to 3 herein, the State as well as the Commissioner of Municipal Corporation have come up with the above writ petition.

2. Heard the learned Government Pleader for Telangana and Mr.P.Suresh Reddy, learned senior counsel, appearing for respondents 1 to 3.

3. Claiming that they have continued in service right from March, 1987 and that therefore they have become entitled for regularization of services in terms of G.O.Ms.No.212 dated 22.04.1994, respondents 1 to 3 approached the Tribunal. Based upon the records of the Commissioner of the Municipal Corporation produced before the Tribunal, the Tribunal allowed the Original Application, forcing the Government to come up with the above writ petition.

4. Today there is no dispute of facts that the respondents 1 to 3 are continued in service, for the past more than atleast 27 years. While, the respondents 1 to 3 claimed that they have been engaged from March, 1987 onwards, and that therefore they have completed five years of service as on 25.11.1993, as stipulated in G.O.Ms.No.212 dated 22.04.1994, to be eligible for

regularization, it is contended by the State that respondents 1 to 3 are being engaged only from 1990/1989. In other words, even according to the State, the respondents 1 to 3 are now working for the past 27 to 28 years.

5. The grievance of the State in the above writ petition is that respondents 1 to 3 did not complete five years of service as on 25.11.1993 as stipulated in G.O.Ms.No.212. In the first round of litigation, the State could not produce relevant records, but they produced records to show the appointment of the respondents 1 to 3 in the years 1990/1989. Therefore, it is contended by the learned Government Pleader that all the material that the appellant brought to the notice of the Tribunal was not taken note of.

6. But it is seen from the order of the Tribunal that the Tribunal proceeded to fix the date of first appointment of the respondents 1 to 3 as March, 1987, only on the basis of the official information furnished by the Commissioner of Khammam Municipality. In fact, in a list submitted by the Commissioner of Khammam Municipality containing the names of all the nominal muster roll workers together with the date from which they were being engaged, the names of the respondents 1 to 3 find a place. In the note to the said statement, the Commissioner of Municipality had stated that respondents 1 to 3 are being engaged from March, 1987, but the relevant vouchers were not traceable. However, the Commissioner took care to point out the Resolutions of the Council bearing No.94 dated 25.08.1987 and bearing No.294

dated 30.11.1987. Therefore, it is not a case of the Commissioner making a statement through his hat.

7. In an itinerary statement, signed by the Commissioner with his Rubber Stamp, the names of the respondents 1 to 3 together with the dates of their appointment and mode of appointment are all indicated.

8. We do not know how after producing the said record before the Tribunal, the Commissioner himself could come up with a writ petition challenging a conclusion reached by the Tribunal on the basis of his own record. We find no reason to interfere with the order of the Tribunal.

9. Hence, the Writ Petition is dismissed.

10. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M.GANGA RAO, J

18th December, 2017
sur