

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.12555 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not regularizing the petitioner by considering the period of service, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner was appointed as Anganwadi teacher in the office of Project Officer, I.C.D.S., Pachipenta, Vizianagaram District, on temporary basis. While she was working as Anganwadi teacher, the second respondent appointed her as Additional Grama Sevika for DWACRA Programme in District Rural Development Agency, vide order dated 03.11.1990. The petitioner claims to have reported for duty on 03.11.1990 and is now working as Extension Officer, DWACRA, DRDA, Vizianagaram. While so, the Government issued G.O.Ms.No.212, dated 22.04.1994, wherein it is stated that services of such person, who worked continuously for a period of five years and continuing as on 25.11.1993, shall be regularized by the appointing authorities. It is stated that the petitioner along with others filed W.P.No.19049 of 1994 before this Court seeking a direction to the respondents to regularize their services from the date of initial appointment. The said writ petition was disposed of on 09.07.2004, directing the respondents to consider their cases for regularization of service and grant of regular pay scale. It is stated that on 19.09.2011, respondent No.1 regularized the service of some of the petitioners in W.P.No.19049 of 1994. It is the case of the petitioner that though she has put in 22 years of continuous service in the respondent agency, her services was

not regularized, though she is eligible for the same relief. Hence, the present writ petition.

4. A counter came to be filed by the respondents disputing the averments made in the writ affidavit. It is contended that the petitioner reported to duty from 06.11.1990, as Additional Grama Sevika in Development of Women and Children in Rural Areas (DWACRA), on temporary basis. Subsequently, the said post was re-designated as extension officer, DWACRA in DRDA. It is stated that prior to her appointment in DRDA, she is said to have worked as Anganwadi teacher in the office of Project Officer, Integrated Child Development Society, Pachipenta, but no certificate has been produced to that effect. It is contended that the petitioner along with two others have not furnished their previous service certificates. The Government examined the proposal and issued orders regularizing the services of 49 eligible Extension Officers in the State as per the guidelines issued by the Government in G.O.Ms.No.212, Finance and Planning (FW.P.C.III) Department, dated 22.04.1994. Since the petitioner has not completed five years of service as on 25.11.1993, as per the guidelines specified in G.O.Ms.No.212, her services were not regularized. The averments in the counter affidavit further show that in response to several representations received from non-regularized Extension Officers of DWACRA, the Project Directors were again directed to furnish fresh proposals in a prescribed proforma communicate by Finance Department. Subsequently, the office has furnished the proposal of all ten Extension Officers of DWACRA working in Vizianagaram District vide letter dated 02.11.2007, wherein the petitioner's name was listed at serial number 8. In spite of the same, the petitioner failed to furnish any previous service certificate except the service certificate in DRDA, wherein she completed only three years 18 days of service as on 25.11.1993. Hence the said G.O. cannot be made applicable to her and her services were not regularized. Therefore, the action of the respondents cannot be declared to be illegal or arbitrary.

5. The said facts are not seriously disputed by the learned counsel for the petitioner. No reply came to be filed denying the contentions raised in the counter affidavit. From the above, it is clear that the petitioner herself failed to avail the opportunity given by the respondents even on the second time, by producing her previous service certificates, in order to regularize her services as per the said G.O. The service certificate produced by the petitioner was the service certificate issued by DRDA, wherein she has completed only three years 18 months of service as on 25.11.1993.

6. Having regard to the above and in the absence of any material showing her experience of five years of service, the case of the petitioners do not fall within the guidelines framed in G.O.Ms.No.212, dated 22.04.1994. Hence, I am of the view that the respondent-authorities were right in not regularizing her services.

7. Accordingly, I see no merits in the case and the writ petition is dismissed. However, the respondent-authorities are always at liberty to consider the request of the petitioner for regularization, if she fulfills the requirement of G.O.Ms.No.212, dated 22.04.1994 and if she is otherwise qualified. There shall be no order as to costs.

8. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

17.04.2017
vhb