

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.1771 OF 2016

Date: 20.04.2017

Between:

K.Venkaiah, S/o. Yesobu, Aged about 44 years,
Occu: Casual Labour, O/o Acharya N.G. Ranga
Agricultural College, Bapatla, r/o.Bapatla and
others

.....Petitioners

and

State of Andhra Pradesh, rep.by its Secretary,
Agriculture and Cooperation (AGRI-III),
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

In this writ petition, petitioners are praying to grant regularization of their services in accordance with the scheme notified in G.O.Ms.No.212 Finance & Planning (FW.PC.III) Department, dated 22.04.1994. One of the primary conditions for consideration to grant regularization in terms of the said scheme is, casual labour must complete five years of service as on 25.11.1993. Though petitioners rendered five years of service by 25.11.1993, they are not considered for regularization on the ground that part of the service was rendered by them when they were minors, calling it as 'boy-service' and the same cannot be computed.

2. In W.P.No.23957 of 2009, learned single Judge of this Court directed to compute entire service rendered by casual labour including the service rendered when they were minors for the purpose of determining eligibility. This was challenged in W.A.No.932 of 2014. The Division Bench of this Court in the judgment rendered on 04.08.2014 held that "the State or its Agencies cannot exploit the unemployed youth in such a manner. The learned single Judge has taken correct view of the matter and we do not find any basis to interfere with the order under appeal". In the instant case also, there is no dispute that petitioners have rendered five years of service by 25.11.1993. However, respondent University is ignoring the 'boy-service' towards the eligibility service.

3. At this stage, it is appropriate to note that the Professor Jayashankar Telangana State Agricultural University, Rajendranagar, Hyderabad, issued orders in Memo No.17060/Lab/ A1/2016, dated 06.01.2017 holding that the services rendered by casual labour

irrespective of their 'boy-service' would be computed towards five years of eligibility service as on 25.11.1993 to consider their claims for regularization into the vacant posts.

4. Learned standing counsel though submits that the issue was already considered by this Court and decision rendered by the Division Bench equally applies to the case on hand, further submits that petitioners have not ventilated their grievances and straight away filed this writ petition.

5. Since the issue is already covered by the decision rendered by this Court in Writ Petition No.23957 of 2009, as affirmed in W.A.No.932 of 2014, this Court is not inclined to relegate the petitioners to the stage of representing in the first instance on the aspect of consideration of 'boy-service' towards computation of eligibility service.

6. Following the decision of the learned single Judge, as affirmed by the Division Bench, this writ petition is also allowed directing the respondents to consider the claim of the petitioners for regularization of their services, counting entire service rendered by them including the 'boy-service' also towards computation of the eligibility service of five years as on 25.11.1993 and grant all consequential benefits subject to petitioners fulfilling all other requirements of the scheme of regularization. Entire exercise shall be completed within two months from the date of receipt of copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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