

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.3776 of 2003

Date: 31.08.2017

Between :

Andhra Pradesh Housing Board,
Rep. by its Vice-Chairman and Housing Commissioner,
Gruhakalpa, M.J. Road, Hyderabad and others.
... Petitioners

And

D. Srinivasa Murthy and others.
... Respondents

COUNSEL FOR THE PETITIONERS :
Mr. A.K. Jayaprakash Rao, SC

COUNSEL FOR THE RESPONDENTS:
Mr. P. Ramakrishna, representing
Mr. P. Raghavender Reddy, R.1 to R.6

THE COURT MADE THE FOLLOWING:

ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for Certiorari to quash the order dated 07.03.2001 in O.A.No.6844 of 1999 passed by the A.P. Administrative Tribunal, Hyderabad (for brevity "the Tribunal").

2. We have heard Sri A.K. Jayaprakash Rao, learned Standing Counsel for the petitioners, and Sri P. Ramakrishna, counsel representing Sri P. Raghavender Reddy, learned counsel for respondent Nos.1 to 6 (for convenience 'the private respondents').

3. A perusal of the impugned order dated 07.03.2001 of the Tribunal shows that O.A.No.6844 of 1999 filed by the private respondents was allowed following the judgment in W.P.No.7175 of 1997 and batch, dated 08.12.2000, wherein directions were issued that the services of full time or part time employees, who are working since prior to 25.11.1993 shall be regularized as and when they complete the period of 5 years or 10 years, as the case may be.

4. At the hearing, learned counsel for the private respondents fairly admitted that the Supreme Court in A. MANJULA BHASHINI AND ORS. Vs. MANAGING DIRECTOR, A.P. WOMEN'S COOPERATIVE FINANCE CORPORATION

LTD. & ANR.¹ held that for consideration of regularization, full time or part time employee must have completed 5 years or 10 years of service, as the case may be, as on 25.11.1993 and must be continued in the employment thereafter. The Supreme Court also stipulated further conditions, such as existence of clear vacancies etc., for regularization.

5. In the light of the above judgment of the Supreme Court, the relief granted by the Tribunal based on the judgment in W.P.No.7175 of 1997 and batch, dated 08.12.2000, cannot be sustained.

6. Learned counsel for the private respondents submitted that respondent No.6 has died, that respondent Nos.2 and 4 have taken Special Package and left the Organisation, and that respondent Nos.1, 3 and 5 alone are claiming regularization. He has also submitted that the services of juniors of his clients have already been regularized.

7. In the light of the above discussion, the impugned order dated 07.03.2001 of the Tribunal is set aside. However, respondent Nos.1, 3 and 5 are permitted to make a representation for regularization of their services in terms of the judgment in A. MANJULA BASHINI (supra) within one month from today. Within two months of receipt of such representation, the petitioners must consider the request of

¹ (2009) 8 SCC 431

the said respondents for regularization, take appropriate decision and communicate the same to the said respondents.

8. Accordingly, the writ petition is allowed. As a sequel to the allowing of the writ petition, WPMP.No.4977 of 2003, WPMP.No.54225 of 2016 and WVMP.No.3412 of 2003 shall stand disposed of.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

31.08.2017.
Msr



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