

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.159 OF 2009

O R D E R

The case of the petitioner is that he was appointed as casual labour in the month of May, 1990 in Bapatla Agricultural Farm under the Senior Scientist (Agronomy) & Head of the Agricultural College Farm, Bapatla on daily wages of Rs.34/- per day, subsequently it was enhanced to Rs.64/- and the petitioner was continued upto 2002 November. Thereafter, petitioner made several representations to the respondents to regularize his services on regular scale of pay on par with identically situated persons. But the respondents without considering the same, terminated the services of the petitioner in November, 2002 along with some other casual labour without assigning any reason and without any prior notice. The other casual labour whose services were terminated approached this Court by filing W.P.No.22039 of 2003 and this Court disposed of the said writ petition suspending the termination orders and the petitioners therein were directed to be continued. Later one another causal labour approached this Court by filing W.P.No.21280 of 2008 wherein this Court directed the respondent to engage him on the same terms and conditions. As the petitioner is also one of the identically situated person as that of those who have approached this Court, he made several representations to consider his case on par with them. Since no action has been taken by the respondents, the present writ petition is filed.

Counter affidavit is filed by the respondents stating that though the petitioner was engaged as casual labour in the month of May 1990, he had worked for only 104 days in a period of 13 years and since November, 2002, he has been absconding. The petitioner case cannot be considered in accordance with G.O.Ms.No.212 dated 22.04.1994, as he has not satisfied the conditions specified therein. It is also stated that as per Memo No.24480/SC/82, dated 18.05.1982, the casual labour cannot be re-engaged once they break the period of engagement for more than six months. It is also denied in the counter that the petitioner has made representation to the University for continuation of his services and sought for dismissal of the writ petition.

In this case, it is to be seen that in the counter it is stated that the petitioner was absconding from the year 2002 onwards and no reply affidavit is filed denying the same. It is stated that the petitioner's case cannot be considered as per G.O.Ms.No.212 dated 22.04.1994 as he did not fulfil the conditions specified therein. Though the petitioner relied on the orders in W.P.No.21280 of 2008, in the said writ petition, the petitioners therein continued their services whereas in the present case the petitioner discontinued his services from the 2002. Disputing the contents of the counter, no reply affidavit is filed by the petitioner.

In view of the above facts and circumstances, no relief can be granted in the writ petition. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 05.01.2017
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