

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.24454 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus directing the respondents to absorb and regularise the services of the petitioners in the last grade service together with all consequential benefits as regards regular scales of pay, allowances and seniority on par with their counter-parts in the Government Schools.
2. Heard Sri Jithender Rao Veeramalla, learned Counsel for the petitioners and Sri J. Sreenivasa Rao, learned Standing Counsel for Singareni Collieries.
3. It has been submitted by the learned Counsel for the petitioners that the petitioners were appointed initially in the last grade services of the 1st respondent-company as casual labourer on daily wage basis for 5 new Telugu Medium schools run by the respondents, and even though the posts were permanent and regularly sanctioned, the respondents made appointments on NMR basis. It has been submitted by the learned Counsel for the petitioners that as per G.O.Ms.No.212, dated 22.4.1994 the petitioners are entitled for regularization, and instead of regularising their services, the respondents terminated the services of the petitioners and then, the petitioners filed writ petitions earlier and this Court directed the respondents to reinstate the petitioners into service with full backwages and continuity of service and in compliance with the directions of this Court, the respondents reinstated the petitioners, but the respondents are continuing the petitioners only on consolidated pay of Rs.740/- per month and that the respondents have not taken any steps to absorb the petitioners in the regular posts in spite of several requests and hence, the petitioners filed this writ petition.

4. Learned Counsel for the petitioners submits that for all these years, the petitioners are being continued in service on NMR basis and the action of the respondents in not regularizing the services of the petitioners is arbitrary and illegal, and therefore, a direction may be given to the respondents to regularize the services of the petitioners.

5. Learned Standing Counsel contends that there cannot be a direction to regularize the services with retrospective effect as the petitioners have not fulfilled the conditions as set out in G.O.Ms.No.212 and hence, their case cannot be considered for regularization.

6. I have considered the rival submissions made by the learned counsel on either side.

7. It is not disputed by the learned Standing Counsel for the respondents that the petitioners have been continuously working on N.M.R. basis.

8. As per the latest judgment of the Apex Court in *State of Karnataka & ors vs. Uma Devi & ors*¹, the persons, who are working for long years on NMR basis, deserve to be considered for regularization. In view of the fact that the petitioners in the present case have been discharging duties on NMR basis since a long time, their services deserve to be regularized.

9. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioners for regularization as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order. No costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th December, 2017
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¹ (2006) 4 SCC 1

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