

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 6786 of 2002

ORDER:

This writ petition is filed seeking a writ of mandamus directing the 2nd Respondent to regularize the services of the petitioners from the date of their initial appointment, after completion of 240 days, with all attendant benefits.

2. Heard Sri P. Govinda Rajulu, counsel for the petitioners and Sri P. Durga Prasad, Standing Counsel for the Respondents-Corporation.

3. The petitioners submit that they were initially appointed as Drivers and Conductors in the 1st Respondent Corporation during the years 1992 to 1994, after they being sponsored either by the Employment Exchange or in pursuance to a paper advertisement issued by the Corporation. The case of the petitioners is that though they are initially appointed on casual basis, on completion of 240 days of continuous service, they are entitled for regularisation of their service. But, the Respondent-Corporation is not regularizing their service.

4. Learned counsel for the petitioners submits that services of some of the petitioners were regularized in a phased manner on 01.08.1993 and second batch of petitioners were regularized during August, 1996. The learned counsel relies upon a judgment rendered by a Division Bench of this Court in *APSRTC v. P.T.Rao*¹, wherein the Division Bench modified the orders of the learned

¹ 1998(2) ALT 447 (DB)

single Judge to the effect that the workmen are entitled for regularisation of their services from the date of their initial appointment to such post on completion of 240 working days. However, if there are number of employees seeking regularisation, the same can be done only in a phased manner; and in so far as the claim for back-wages is concerned, the same was not extended to the workmen. On the same analogy, the counsel for the petitioners seeks to allow the writ petition by directing the Respondents to regularize the services of the petitioners immediately after completion of 240 days.

5. Counsel for the Respondents submits that though the petitioners are eligible for regularisation of their services on completion of 240 working days, however, their services were regularized when a clear vacancy has arisen in the Corporation. The first batch of the petitioners was regularized in 1993 and the second batch was in 1996. Hence, no irregularity or illegality has been committed by the Corporation and the writ petition deserves to be dismissed.

6. After considering the rival submissions made by both the parties, the submission made by the counsel for the petitioner that the services of the petitioners, who have completed 240 days of service, should be immediately regularized, may not be the correct interpretation of the judgment of the Division Bench this Court, cited supra. If the claimants seeking similar benefit are more, the Division Bench of this Court held that the Corporation can regularize their services in a phased manner.

7. Admittedly, in the instant case, the services of the first batch of petitioners were regularized during 1993 and the second batch of petitioners in 1996, i.e., in a phased manner. Thus, the Respondent-Corporation has rightly considered the cases of the petitioners for regularisation subject to availability of the vacancies. I do not find any illegality or irregularity in the said exercise done by the Respondent-Corporation.

8. The writ petition is devoid of merit and the same is accordingly dismissed. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

December 21, 2017

Kv

Abhinand Kumar Shavili, J



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