

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.Nos.3719 and 12652 of 2006

COMMON ORDER:

Since these two writ petitions share identical grievances and as the contentions raised and the respondents are also the same, this Court deems it appropriate to dispose of these writ petitions by way of this common order.

2. By way of the orders impugned dated 30.12.2005, the Executive Officer, Sri Durga Malleswara Swamy Varla Devasthanam/second respondent herein, cancelled the orders passed earlier on 23.04.2005 and 22.03.2005, regularising the services of the petitioners herein.

3. In W.P.No.3719 of 2006, petitioner was initially appointed in the year 2001 as a Computer Operator/receptionist and CCTV Operator on consolidated pay of Rs.4,000/- per month. The second respondent/Executive Officer addressed a letter to the Commissioner of Endowments/first respondent herein vide Rc.No.A1/6158/2004, dated 14.11.2004, requesting to sanction the post of Receptionist for regularisation of the petitioner in the said post. Vide proceedings D.Dis.No.A1/12309/05, dated 30.04.2005, the Commissioner/first respondent herein sanctioned the said post of Receptionist and permitted the second respondent/Executive Officer to absorb the petitioner in the said post. Thereafter, the second respondent passed the consequential order vide proceedings Rc.No.A1/6158/2004, dated 06.05.2005, regularising the services of the petitioner in the category of Receptionist.

4. In W.P.No.12652 of 2006, petitioner was initially appointed on NMR basis in the second respondent temple in the category of Attender and his

services were being utilized as Mike Operator. Pursuant to a Trust Board resolution No.11 dated 02.05.2004, the second respondent vide Rc.No.A1/2294/2004 dated 10.05.2004, requested the first respondent to accord permission to regularise the petitioner. The Office of the Commissioner vide proceedings D.Dis.No.A1/19670/03, dated 19.03.2005, accorded permission and as a consequence of which the second respondent vide Rc.No.A1/2294/2003 dated 22.03.2005 regularised the services of the petitioner.

5. On the basis of the orders of the State Government vide G.O.Ms.No.1422, Revenue (Endowments.I), Department dated 25.07.2005 and Note orders of the Commissioner of Endowments dated 23.12.2005, the second respondent Executive Officer passed the impugned orders dated 30.12.2005, cancelling the orders of regularisation passed earlier in favour of the petitioners herein.

6. Heard Sri G.V.Shivaji, learned counsel for the petitioners and the learned Government Pleader for Endowments for the first respondent and Smt.K.Lalitha, learned counsel for the second respondent.

7. It is contended by the learned counsel for the petitioner that the orders passed by the State Government vide G.O.Ms.No.1422, dated 25.07.2005, which formed basis for the respondent authorities to pass the impugned orders are not at all relevant to the cases of the petitioners herein and that by virtue of the said Governmental Orders the State Government had set aside the proceedings of the earlier Commissioner as mentioned in the annexure only and that the posts held by the petitioner herein did not find place in the same. It is the further submission of the learned counsel for the petitioners that in an identical set of circumstances this Court allowed

W.P.No.8776 of 2011 by way of an order dated 03.08.2012 and the same was confirmed in W.A.No.1377 of 2012, dated 19.08.2012.

8. On the contrary, it is submitted vehemently by the leaned Government Pleader that there is no illegality nor there exists any infirmity in the impugned action and that the petitioners herein have no right to seek the relief of regularisation in view of the judgment of this Court in *V.V.R.K.SRINI VAS v. STATE OF ANDHRA PRADESH AND OTHERS*¹.

9. While admitting the present writ petitions, this Court on 25.04.2006 and 18.11.2006, granted interim orders. The information available before this Court, in clear and vivid terms, discloses that the respondents herein ordered regularisation of services of the petitioners herein against the sanctioned posts only and the proceedings referred to *supra*, regularising the services of the petitioners herein are not in dispute. Earlier, when similarly situated individuals approached this Court by way of filing W.P.No.8776 of 2011, this Court after elaborately and extensively considering the impact of various orders passed by the State Government and duly taking into consideration the similarly situated conditions, directed to give effect to the regularisation of services of the petitioners therein as per the proceedings issued in the months of May and June 2005 with all consequential benefits. In the instant case, it is not the case of the respondents herein that the posts held by the petitioners herein find place in the annexure attached to the orders issued by the State Government vide G.O.Ms.No.1422, dated 25.07.2005. Therefore, in the considered opinion of this Court, the petitioners herein also stand on the same footing and they are entitled for the same relief granted in favour of the petitioners in the above said writ petition. It is also significant to note that the above orders of this Court passed in

¹ 2017 (3) ALD 689 (DB)

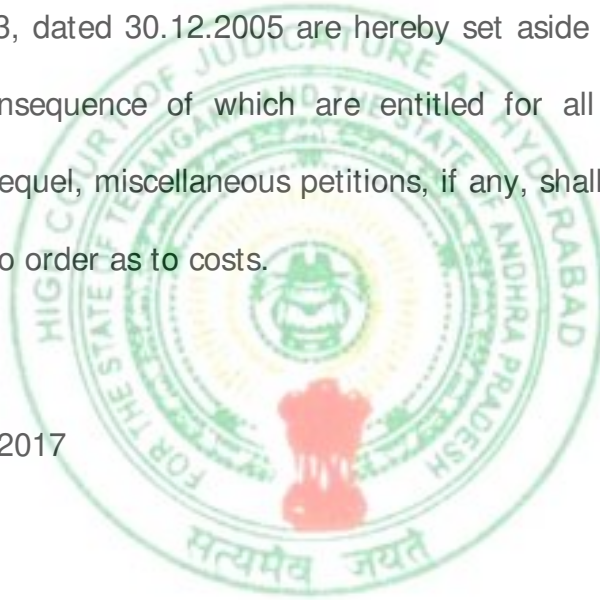
W.P.No.8776 of 2011 were assailed in W.A.No.1377 of 2012 and a Division Bench of this Court confirmed the orders passed by the learned Single Judge and declined to interfere with the orders passed by the learned Single Judge.

10. The Judgment cited by the learned Government Pleader in *V.V.R.K.SRINIVAS (supra)*, in the facts and circumstances would not render any assistance to the petitioners herein as the said case dealt with the NMR workers and their status.

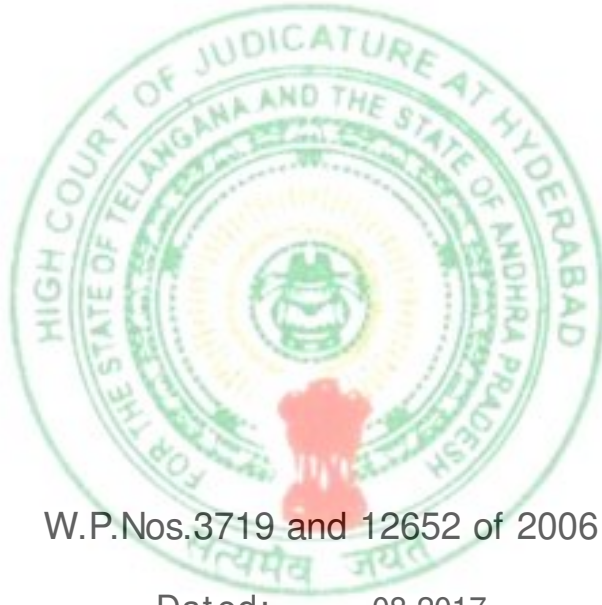
11. For the aforesaid reasons, the writ petitions are allowed and the impugned orders in Rc.No.A1/6158/94, dated 30.12.2005 and Rc.No.A/2294/03, dated 30.12.2005 are hereby set aside and the petitioners herein as a consequence of which are entitled for all the consequential benefits. As a sequel, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date: 24 .08.2017
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A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.Nos.3719 and 12652 of 2006

Dated: .08.2017

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