

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.23897 of 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, by the petitioner is filed to direct the respondents to regularize his services from the date of his initial appointment with all consequential benefits including arrears on par with his junior, 3rd respondent, and grant such other reliefs as the Court deems fit.

2. I have heard the submissions of *Sri P. Govinda Rajulu*, learned counsel appearing for the writ petitioner, and of *Sri A. Ravi Babu*, learned Standing Counsel for TSRTC, representing the respondents 1 and 2. I have perused the material record.

3. From the facts pleaded and the submissions made before this Court, the following are the admitted facts.

The petitioner was recruited as a Conductor on daily wage basis, on 08.10.1988, in KPMR division from among the displaced employees consequent upon nationalization of routes in KPMR division with effect from 07.11.1987; his services were regularized, on 09.04.1989; whereas the services of the 3rd respondent, who was engaged on daily wage basis at GDK depot, on 05.11.1988, were regularized on 22.03.1989.

4. The grievance of the writ petitioner, therefore, is that though the 3rd respondent is a junior, his services were regularized from the date of his initial appointment, that is, earlier to the regularization of the services of the petitioner. Therefore, questioning the action of the respondents-Corporation in not regularizing the services of the petitioner from the date of his initial appointment as was done in the case of the 3rd respondent, the present writ petition is filed.

5. The only defence in the counter of the respondents-Corporation is that the petitioner was initially appointed on daily wage basis on his selection from among the displaced persons and that, therefore, he was initially engaged on daily wage basis pending verification of his certificates and antecedents within 6 months and that immediately after completion of six months of service he was absorbed from among the displaced employees and his service was regularized with effect from 09.04.1989 and, therefore, it is not correct to say that the 3rd respondent who is his junior was regularized earlier. It is the further case of the respondents-Corporation that the 3rd respondent was selected as a conductor under direct recruitment and that he was initially appointed on daily wage basis with effect from 05.11.1988 and subsequently his services were regularized with effect from 22.03.1989 whereas the petitioner was selected from amongst the displaced employees whose mode of selection is different and as such he cannot compare his case with that of the directly recruited employees.

6. However, at the hearing, learned counsel for the petitioner produced copies of (i) the office order, dated 24.11.1988; and (ii) the office order, dated 21.06.1989. The said documents disclose that the 3rd respondent was also selected from among the displaced employees and was initially engaged on daily wage basis and that he was appointed on 05.11.1988; and, his services were regularized with effect from 22.03.1989. Therefore, the contention of the respondents-Corporation that the 3rd respondent was selected as a conductor under direct recruitment method as stated in the counter is not correct.

7. Viewed thus, this Court finds that the case of the petitioner that his junior's service was regularized much earlier to the regularization of the service of the petitioner and that the petitioner's case is on par with that of the 3rd respondent, as both the petitioner and the 3rd respondent were

appointed on daily wage basis from among the displaced employees consequent upon nationalization of the routes, stands established. In that view of the matter, there is no justification on the part of the respondents-Corporation in not regularizing the services of the petitioner from the date of his initial appointment with all consequential benefits etcetera as was done in the case of his junior, the 3rd respondent.

8. On the above analysis, this Court finds that the writ petitioner is entitled to succeed.

9. In the result, the Writ Petition is allowed directing the respondents 1 and 2 to regularize the services of the petitioner from the date of his initial appointment with all consequential benefits including arrears as was done in the case of the 3rd respondent.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.



M. SEETHARAMA MURTI, J

4th April, 2017
Vjl