

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No.32574 of 2017

Date:22.9.2017

Between:

Pappuri Dorasanamma,
W/o Gali seenaiah

..... Petitioner

And:

The State of A.P., repto by its
Principal Secretary, Medical, Health
& Family Welfare Department,
Velagapudi and four others.

....Respondents

Counsel for the petitioner: Mr. B.Roopesh Kumar Reddy

Counsel for the respondents: GP for Services (AP)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The petitioner was engaged as Sweeper on daily wage basis on 20.01.1996. It is her pleaded case that since then, she is being continued as a daily wage Sweeper in respondent No.5- Primary Health Centre. She has also pleaded that respondent No.2 has sent proposal for regularisation of her services, but respondent No.1 declined such proposal. She has filed Original Application No.3127 of 2016 before the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal') seeking invalidation of the action of respondent No.1 in rejecting the proposal for regularisation of her services. This O.A having been dismissed, she has filed the present writ Petition feeling aggrieved thereby.

The Tribunal dismissed the said O.A. mainly on the ground that as per the Andhra Pradesh Act 2/1994 and G.O.Ms.No.212, Finance and Planning (FW.PC.III) Department, dated 22.4.1994, for being entitled to regularisation, a daily wage worker needs to satisfy certain conditions which include that he/she should have completed five years of continuous service by 25.11.1993 and that, on the petitioner's own showing, she was first engaged only on 20.01.1996.

At the hearing, Mr. B.Roopesh Kumar Reddy, learned counsel for the petitioner, has not disputed the fact that his

client has not satisfied the requirements of G.O.Ms.No.212, dated 25.11.1993.

Following the law declared by the Supreme Court in *A. Manjula Bhashini & Ors vs M.D., A.P.Women*¹, unless a temporary employee satisfies the criteria laid down in G.O.Ms.No.212, dated 25.11.1993, he/she is not entitled to regularisation of his/her services.

Having regard to this clear position in law and the admitted fact that the petitioner does not fulfill the criteria laid down in G.O.Ms.No.212, dated 25.11.1993, the impugned order of the Tribunal does not suffer from any error warranting our interference under Article-226 of the Constitution of India.

The Writ Petition is accordingly dismissed.

As a sequel, WPMP.No.40527 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE K.VIJAYA LAKSHMI

22nd September 2017

DR

¹ (2009) 8 SCC 431