

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.2775 of 2009**

**ORDER:**

Heard the learned Counsel for the petitioner and learned Government Pleader for respondent Nos.1 to 4. None appeared for respondent No.5.

The case of the petitioner is that she was appointed as a scavenger in the fifth respondent college on 10.09.1983 in a clear vacancy. The said post was admitted to grant in aid with effect from 16.04.1990 vide G.O.Ms.No.170, dated 12.07.1990, issued by the first respondent. Some of the contingent employees were sanctioned last grade scale of pay from the date when their posts were admitted to grant in aid with effect from 07.10.1994. But, in the case of the petitioner, the scales were not extended and she was paid only minimum scale for some time and was discontinued. She further states that her services were not regularized till the date of filing the Writ Petition. While so, the Government issued G.O.Ms.No.212, Finance & Planning Department, dated 22.04.1994, enabling the regularization of services of the contingent employees who were appointed on or before 25.11.1993 and who completed five years of service. The Government also issued G.O.Ms.No.362, Education Department, dated 07.10.1994, placing the contingent employees at the minimum time scale of pay. In spite of the said Government Order, the services of the petitioner were neither regularized nor scales of pay were

extended. The petitioner states that the third respondent issued proceedings on 02.01.1995 allowing the minimum time scale of pay with effect from 07.10.1994 and the same was approved by the third respondent vide his proceedings dated 09.02.1996, 13.09.1996 and 26.06.1997 without increments. However, the fourth respondent, without assigning any reasons withheld the same and the petitioner is being paid only Rs.500/- per month. In those circumstances, the petitioner submitted a representation to the first respondent on 24.03.2008 and 25.03.2008 requesting for regularization of her services and payment of arrears of salary. When no action was taken, the present Writ Petition was filed.

Even after eight years, no counter affidavit is filed by the respondents.

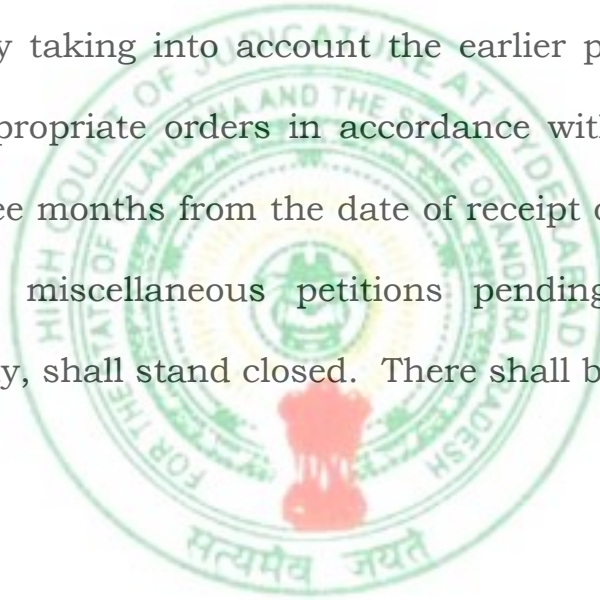
The issue with regard to the right of the persons for regularization of services pursuant to G.O.Ms.No.212, dated 22.04.1994, is no longer *res integra* as the Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation**<sup>1</sup> held that the persons who completed five years of service are entitled for regularization of services with effect from the date they completed five years of service, but they would not be entitled to any monetary benefits in terms of arrears of pay and would only be eligible for notional fixation of pay and seniority. In the instant case, the petitioner was appointed way back in 1983

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<sup>1</sup> Civil Appeal No.6318 of 2015, dated 17.08.2015

and G.O.Ms.No.212 came into force with effect from 22.04.1994. However, the post was admitted to grant in aid with effect from 16.04.1990 only. The petitioner was paid minimum time scale of pay by virtue of the proceedings dated 07.10.1994 for some time and later on it was stopped.

In the circumstances, the Writ Petition is allowed directing the respondents to regularize the services of the petitioner in terms of G.O.Ms.No.212, dated 22.04.1994, and regulate the pay and allowances payable to her consequent to regularization of services by taking into account the earlier payments made, and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.



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**(A.RAMALINGESWARA RAO, J)**

23.06.2017  
vs