

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No. 970 OF 2017

DATED 06TH SEPTEMBER, 2017

Between:

Sri Padmavathi Mahila Viswavidyalayam,
Tirupati, Chittoor District,
Rep. by its Registrar

... Appellant

AND

K.Deena Dayal

... Respondent

Counsel for the appellant

:

Smt. Annapurna Sreeram

Counsel for the respondent

:

Sri V.Jagapathi



THE COURT MADE THE FOLLOWING

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

Feeling aggrieved by order dated 16-02-2017 in W.P.No. 544 of 2009, the respondent therein filed this Writ Appeal.

2. The facts of the case have been referred by the learned single judge in detail. Therefore, they need not be repeated herein. Though there were four posts of driver in the appellant-University, the respondent, who was appointed as cleaner with effect from 16-11-1996 and whose services were regularized with effect from 16-11-1998, is being engaged as driver though his substantive post is cleaner. Assailing the unreasonable action of the appellant in not considering the respondent for promotion to the post of driver, he has filed the abovementioned Writ Petition. The only justification offered by the appellant for not considering the respondent for promotion is that an audit objection was raised regarding regularization of services of the respondent on the ground that he did not fulfill the criteria stipulated in G.O.Ms.No. 212 dated 22-04-1994. Based on the relevant material, the learned single judge has held that though the respondent had been working as NMR watchman since 1989, the fact that he was appointed as cleaner on 15-11-1996 shows that it was not a case of regularization of his services and that he was deemed to have been appointed as cleaner in the regular vacancy and that the fact that his probation was declared with effect from 16-11-1998 also supports the said conclusion. Following the said reasoning, the learned single judge has directed the appellant to consider the respondent for the post of driver by transfer in any of the existing vacancies as undisputedly he was eligible for the said post.

3. Having carefully considered the reasons given by the learned single judge, we do not find any error apparent on the face of the order. Hence, the Writ Appeal is dismissed.

4. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 1890 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 06-09-2017.

JSK

