

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE U. DURGA PRASAD RAO

W.P. No. 20255 of 2016

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed by the Government assailing the order dated 18.11.2013 in O.A.No. 5701 of 2011, whereby the Tribunal, while disposing of the O.A., directed the respondents therein to consider the cases of the applicants – respondent Nos.1 to 8 herein for regularization of their services in terms of the order dated 04.06.2002 in O.A.No. 1499 of 1999 and batch which was confirmed by this Court in W.P.No. 12007 of 2002 dated 20.01.2004 and the same was implemented by the petitioner – Chief Executive Officer.

As averred in the writ affidavit, respondent Nos.1 to 8 were appointed as Typists on daily wage basis in the year 1991. As per the instructions of the Government in Memo No. 11590/ Estt.V/ 91-2, dated 22.06.1992 and Memo No. 8659/ Estt/ VII/ 92-2, dated 06.08.1992, the then DDO, Z.P. Krishna, issued a Show Cause Notice dated 19.12.1992. Then, respondent Nos.1 to 8 approached the Tribunal which issued orders to regularize their services as per G.O.Ms.No. 212, dated 22.04.1994. Accordingly, proposals were submitted to the Government in Lr.No. 225/ 93/ A3, dated 28.05.1994. However, the services of the individuals covered in this O.A.

were not regularized as they have not fulfilled the conditions laid down in G.O.Ms.No. 212 and also G.O.Ms.No. 193, dated 14.03.1990 such as six months of services is required and the same is lacking with respondent Nos.1 to 8.

We note, respondent Nos.1 to 8 approached the Tribunal in O.A.No. 5701 of 2011 seeking regularization of their services as per the order dated 04.06.2002 of the Tribunal in O.A.Nos. 1499 of 1999 and batch which was confirmed by this Court in W.P.No. 12007 of 2002 dated 20.01.2004 which was implemented by the petitioner vide Proc.Rc.No. B4/ 495/ 2004, dated 13.02.2004, G.O.Ms.No. 54, dated 03.03.2011 and Rc.No. 225/ 1992/ A3, dated 12.01.2006.

We note, as recorded in the impugned order dated 18.11.2011, the applicants in O.A.No. 1499 of 1999 and batch also sought for similar prayer i.e. regularization of their services. The petitioner herein also submitted proposal dated 15.05.2006 to the 10th respondent – Commissioner of Panchayat Raj and Rural Employment for regularization of services of respondent Nos.1 to 8 which is still pending for consideration. However, the Tribunal in similar cases passed order dated 04.06.2002 in O.A.No.1499 of 1999 and batch which was confirmed by this Court in W.P.No. 12007 of 2002, dated 20.01.2004 has been implemented by the petitioner

vide proceedings dated 13.02.2004, G.O.Ms.No. 54, dated 03.03.2011 and Rc.No. 225/ 1992/ A3, dated 12.01.2006.

However, it is averred in the writ affidavit that the relief sought by respondent Nos.1 to 8 is contrary to the rules framed under G.O.Ms.No. 212. If the same is allowed, the purport of bringing the said G.O. into existence will be effected.

We note, it is nowhere stated in the present petition that the facts in O.A.No. 1499 of 1999 and batch are different from the facts in the present case and the order passed in O.A.No. 1499 of 1999 is not applicable.

As stated by the learned counsel for respondent Nos.1 to 8 and as is evident from the Caveat Petition that in similar circumstances, the Government of A.P. was pleased to regularize services of similarly placed candidates with effect from the date of appointment and sanctioned the time pay scale vide G.O.Ms.No.54, dated 03.03.2011, G.O.Ms.No. 254, dated 17.08.2011, G.O.Ms.No. 337, dated 16.07.2013, G.O.Ms.No. 387, dated 21.08.2013 and G.O.Ms.No. 63, dated 23.03.2011. Respondent Nos.1 to 8 are working as Typists and the candidates in the above G.O.Ms. also worked as Typists. It is further stated that respondent Nos.1 to 8 have been sanctioned time pay-scale since long. The above facts have

not been disputed by the Government Pleader appearing on behalf of the petitioners.

In view of the above discussion, we find no merit in the writ petition, and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

11.07.2017

U. DURGA PRASAD RAO, J

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