

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.28549 of 2016

ORDER: (Per Justice Sanjay Kumar)

The Zilla Parishad, Karimnagar, filed this writ petition aggrieved by the order dated 19.03.2012 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.477 of 2012.

By the said order, the Tribunal directed the Zilla Parishad to regularize the services of respondents 1 to 25 herein from 25.11.1993, being the cut-off date mentioned in G.O.Ms.No.212 dated 22.04.1994. The Tribunal however granted monetary benefits to them only from 27.04.2001, being the date on which the respective O.As. filed by them were allowed.

Heard Sri G.Narender Reddy, learned counsel for the petitioner/Zilla Parishad, and Sri P.Venkatesh, learned counsel for respondents 1 to 25.

Sri P.Venkatesh, learned counsel, placed before us the judgment of the Supreme Court in B.Srinivasulu v. Nellore Municipal Corporation¹.

Perusal thereof reflects that the Supreme Court was dealing with the issue as to whether those claiming benefit under G.O.Ms.No.212 dated 22.04.1994 could be denied relief from the date of their entitlement and be given the same only with prospective effect. The appellants before the Supreme Court were initially granted the benefit of regularization of their services from the date they were entitled to the same in terms of G.O.Ms.No.212 dated 22.04.1994. Aggrieved by this relief granted by the Tribunal, the Nellore Municipal Corporation approached this Court. The

¹ Civil Appeal No.6318 of 2015 dated 17.08.2015

writ petition filed by the Nellore Municipal Corporation was dismissed in the first instance but, upon review, this Court directed regularization of the services of the appellants from the date of filing of the O.As. instead of the date of their entitlement. Aggrieved thereby, the appellants went before the Supreme Court. The Supreme Court observed that it found it difficult to accept the reasoning adopted by this Court as the right of the appellants to seek regularization flowed from G.O.Ms.No.212 dated 22.04.1994. The Supreme Court therefore held that refusing the benefit of the abovementioned G.O. on the ground that the appellants approached the Tribunal belatedly was not justified and accordingly allowed the appeal modifying the order passed by this Court and directed that the appellants' services should be regularized with effect from the date of their completing five years continuous service.

In the light of this judgment which squarely covers the issue arising before us, the writ petition warrants dismissal and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

21st March, 2017.
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