

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8518 of 2001

ORDER :

This writ petition is filed seeking a writ of mandamus declaring the proceedings of the first respondent in R.C.No.544/Admn.IV.1/2000, dated 29.07.2000 as arbitrary and illegal and sought for a consequential direction to regularise the services of the petitioner with effect from the date of his initial appointment i.e. 11.10.1987 by extending benefits under G.O.Ms.No.302, dated 13.08.1991.

2. Heard Sri V.R.Reddy Kovvuri, learned counsel for the petitioner and the learned Government Pleader for Education.

3. It has been contended by the petitioner that he was initially appointed as a part time lecturer in Sanskrit in the third respondent college on 16.10.1987. However, the respondents have regularised his services with effect from 02.04.1998 in terms of G.O.Ms.NO.328, dated 15.10.1997, but not from the date of his initial appointment. Therefore, the petitioner is seeking regularisation of his services in terms of the policy adopted of the State Government in G.O.Ms.No.302, dated 13.08.1991, but the respondents are not considering the case of the petitioner for regularisation and in fact, his case was rejected by the first respondent vide proceedings dated 29.07.2000. Challenging the same, the present writ petition is filed.

4. The learned counsel for the petitioner contends that the issue is squarely covered by judgment of this Court in W.P.No.24635 of

2000, dated 27.12.2004, which was also confirmed by a Division Bench of this Court in W.A.No.1351 of 2005, dated 19.10.2011. The counsel further contends that the respondents had carried the matter in appeal before the Hon'ble Supreme Court challenging the orders passed by the Division Bench and the same was also dismissed by the Hon'ble Supreme Court vide orders dated 21.08.2014 in Petition for Special Leave to Appeal (C)...CC No.15400 of 2013. Since the issue in the present writ petition is squarely covered by the above said writ petition and in view of the orders passed by the Hon'ble Supreme Court, the present writ petition should also be disposed of in terms of the above said order and a direction shall be given to the respondents to regularise the services of the petitioner as a lecturer from the date of his initial appointment.

5. The learned Government Pleader for Education has not disputed the above said facts.

6. The issue in the present writ petition is covered by W.P.No.24635 of 2000, wherein a learned single Judge of this Court directed for regularisation of the services of the petitioner therein from the date of his initial appointment. The matter was carried in appeal by filing W.A.No.1351 of 2005 wherein, a Division Bench of this Court was pleased to modify the order of the learned Single Judge to the following effect:

“.....It is an admitted fact that after issuing G.O.Ms.No.328, dated 15-10-1997, the services of the writ petitioner were regularized with effect from 15-4-1998. No doubt, the relief sought for in the writ petition is for regularization of services of the writ petitioner with effect from 23-08-1991 as per G.O.Ms.No.302, in pursuance of which the services of similarly situated persons were regularized. But, beyond the scope of the writ

petition, the respondents ought not have been directed to regularize the services of the petitioner from the date of his initial appointment.

In view of the above circumstances, we deem it appropriate to modify the order of the learned single Judge to the following effect:

“The appellants are directed to consider the case of the respondent-writ petitioner with effect from 23-08-1991 being the date of G.O.Ms.No.302 and in terms of the prayer in the writ petition, within a period of six weeks from the date of receipt of a copy of this order.”

With the above modification, the writ appeal is disposed of accordingly. No costs.”

7. Aggrieved by the said order, the State further carried the matter in appeal to the Hon'ble Supreme Court by way of filing a Petition for Special Leave to Appeal (C)...CC No.15400 of 2013, wherein the Hon'ble Supreme Court was pleased to dismiss the appeal preferred by the State vide orders dated 13.10.2014.

8. In view of the above, this Court is of the considered view that this writ petition can also be disposed of directing the respondents to consider the case of the petitioner for regularisation in terms of the directions given by the Division Bench of this Court in W.A.No.1351 of 2005, dated 19.10.2011 and regularise the services of the petitioner with effect from 23.08.1991 instead of 02.04.1998 with all consequential benefits.

9. With the above directions, the writ petition is disposed of. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th AUGUST 2018
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