

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6804 OF 2003

ORDER :

1. This writ petition is filed seeking to issue a Writ of Mandamus to declare the proceedings dated 22.6.2001 issued by the 2nd respondent in so far the petitioner is concerned, as illegal and arbitrary and set aside the same with consequential direction to the 2nd respondent to regularize the petitioner's service from the date of his initial appointment after completion of 240 days with all consequential benefits.

2. Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was initially appointed as Conductor in the respondent-Corporation on 9.4.1986. In pursuance of the notification issued by the respondent-management for the post of Junior Assistant, he applied and selected as Junior Assistant in direct recruitment and appointed as Junior Assistant on 17.7.1987. As per the policy of the respondent-Corporation, he is entitled for regularization on completion of 240 days of service. Since his request to regularize his services from the date of his initial appointment was not considered, the present writ petition is filed.

4. Learned Counsel appearing for the petitioner has drawn the attention of this Court to an identical case in *A.Rajeswar vs. Managing Director, APSRTC & Ors* (W.P.No.24363 of 1998, dated 1.9.1998), wherein this Court has considered and adjudicated the issue as to whether the casual workers are entitled for regularization on completion of 240 days, and allowed the writ petition by following the judgment reported in *APSRTC v.*

*P.T.Rao*¹, wherein Division Bench of this Court declared that the workmen are entitled for regularization.

5. Learned Standing Counsel appearing for the respondents contends that the petitioner is not entitled for regularization from the date of his initial appointment as there were no vacancies by that time and the case of the petitioner was considered for regularization when the vacancies arose i.e., w.e.f. 1.8.1990.

6. Having considered the submissions made by the learned Counsel on either side, this Court is of the considered view that the issue raised in the present writ petition is squarely covered by the aforesaid judgment in *A.Rajeswar vs. Managing Director, APSRT & Ors* (W.P.24363 of 1998, dated 1.9.1998) and therefore, this writ petition can be disposed of in terms of the said judgment.

7. Accordingly, the Writ Petition is disposed of in terms of the judgment rendered in W.P.No.24363 of 1998, dated 1.9.1998, directing the respondents to consider the case of the petitioner to regularize his services from the date of his initial appointment without any back wages and other monetary benefits. However, the date of his initial appointment should be considered for the purpose of fixation of pay and pensionary benefits. No costs. Miscellaneous petitions, if any, pending shall stand closed.

ABHINAND KUMAR SHAVILI, J

29th October, 2018

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¹ 1998(2) ALT 47

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