

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**

WRIT PETITION NO.37243 OF 2012

O R D E R

(Per Hon'ble Sri Justice Sanjay Kumar)

The Zilla Parishad, Ranga Reddy District, the first respondent in O.A.No.12457 of 2009 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'), filed this writ petition aggrieved by the order dated 03.07.2012 passed therein holding that the said case and another O.A., disposed of by the same order, were squarely covered by the earlier order dated 02.09.2011 passed by the Tribunal in O.A.No.11189 of 2008 and batch and directing the respondents in the O.A.s to regularize the services of the applicants therein and release their annual grade increments in the time scale of pay apart from extending to them the benefits of pay revision, within a time frame.

The petitioner Zilla Parishad assails this order contending that the applicant in O.A.No.12457 of 2009 was not entitled to regularization in terms of G.O.Rt.No.112, Finance & Planning (FW.PC.III) Department, dated 23.07.1997 and to increments, without grant of the time scale.

By order dated 04.12.2012, this Court directed the parties to maintain *status quo* until further orders. W.V.M.P.No.3160 of 2013 was filed by the first respondent herein, the applicant in O.A.No.12457 of 2009, to vacate the above order.

Heard Sri R.Ramachandra Reddy, learned counsel representing Sri G.Narender Reddy, learned counsel for the petitioner Zilla Parishad, and Sri A.Jagan, learned counsel for the first respondent/applicant.

The case of the first respondent/applicant before the Tribunal was that she was appointed as a Farrash *vide* proceedings dated 17.06.1986, upon sponsorship through an Employment Exchange. However, she was not paid regular salary. She filed the subject O.A. before the Tribunal seeking regularization of her services and placement on the time scale. Sri A.Jagan, learned counsel, would point out that she has been discharging her duties since the past 32 years but is being paid only a meagre salary, which is not commensurate with the regular pay scale applicable to the said post.

Per contra, Sri R.Ramachandra Reddy, learned counsel, would contend that the first respondent/applicant was appointed only as a Part-Time Farrash at the Primary School, Medchal, Ranga Reddy District, and was not entitled to regularization in terms of G.O.Rt.No.112 dated 23.07.1997, as she had not put in ten years of service on part-time basis by 25.11.1993, and her request for regularization in service was rejected by the petitioner Zilla Parishad under proceedings dated 01.01.2009, but the Tribunal held to the contrary and granted relief to her despite the fact that she was not even put on the time scale. He would assert that the order under challenge is unsustainable on facts and in law.

Perusal of the proceedings dated 09.07.1986 issued by the Block Development Officer, Panchayat Samithi, Medchal, demonstrates that three candidates were drawn from the District Employment Exchange, Ranga Reddy District, and were temporarily appointed as Part-Time Farrashes on consolidated pay of Rs.150/- per month. The first respondent/applicant was one amongst them. It is not in dispute that she is still being continued in service but has not even been placed on the regular time scale of pay.

It is no doubt true that her case would not come within the ambit of G.O.Rt.No.112 dated 23.07.1997, inasmuch as services of persons who had put in a minimum period of ten years and were continuing as on 25.11.1993 were sought to be regularized thereunder. However, it may be noted that such regularization schemes were intended to address the injustice perpetrated upon persons who were appointed on daily wages/consolidated pay but were continued in service for a decade thereafter. Such schemes do not envisage perpetuation of such exploitative measures. The case on hand clearly demonstrates that though the first respondent/applicant was sponsored by the District Employment Exchange and was selected and appointed as a Part-Time Farrash, she is being continued on a consolidated pay since 32 years. The petitioner Zilla Parishad, being a State instrumentality, cannot resort to such debilitating measures and seek to protect itself by grasping at technicalities. No doubt, the Tribunal seems to have relied upon an order passed by it earlier which was not squarely applicable on facts, but what is important is the essence and import of the principle underlying all such orders passed by the Courts.

It is also to be noted that as long back as in the year 2006, in **SECRETARY OF STATE OF KARNATAKA V/s. UMADEVI**¹, the Supreme Court directed that all employees who were continuing on temporary basis and had not been appointed through the back door should be regularized in service if they had completed ten years of service as on the date of disposal of the order, without the protection of Court orders, as a one time measure. It is not the claim of the petitioner Zilla Parishad that the first respondent/applicant was

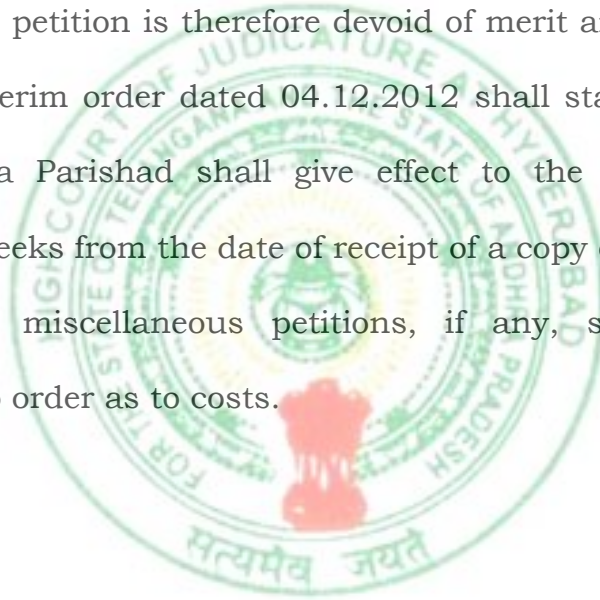
¹ (2006) 4 SCC 1

continued in service by virtue of any Court orders. Further, her appointment was not through the back door, as she was sponsored by the District Employment Exchange. Her case therefore fell squarely within the four corners of the Supreme Court's directive in **UMADEVI**¹. However, the petitioner Zilla Parishad did not choose to extend to her the benefit thereof though she would have completed nearly two decades of service by then.

In these circumstances, this Court finds no illegality having been committed by the Tribunal in granting relief to the first respondent/applicant.

The writ petition is therefore devoid of merit and is accordingly dismissed. Interim order dated 04.12.2012 shall stand vacated. The petitioner Zilla Parishad shall give effect to the Tribunal's order within eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

29th MARCH, 2018

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