

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9096 OF 2010

DATED :20.02.2018

Between :

V.Veera Bhadra Rao S/o.Sri Veerraju,
Age : 46 yrs, Junior Lecturer,
R/o.Annavaram, East Godavari District & another.
.. Petitioners

And

The Commissioner of Endowments,
Government of Andhra Pradesh,
Tilak Road, Abids, Hyderabad & others.
.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9096 OF 2010

ORDER :

Heard learned counsel for the petitioners and learned Standing counsel for Endowments. With the consent of both counsel the Writ Petition is disposed of finally.

2. The first petitioner was appointed as Junior Lecturer in English on 01.02.1995 and second petitioner was appointed as Junior Lecturer in Telugu on 26.08.1996 on consolidated pay. Earlier petitioners filed W.P.No.23016 of 2008 to grant regularization. By order dated 02.06.2009 services of petitioners were regularized. However, order of regularization stipulated condition that it was subject to approval of the Commissioner of Endowments. The Commissioner of Endowments by his order dated 02.02.2010 rejected proposals submitted by the Executive Officer and held that petitioners are not eligible for regularization and directed the Executive Officer to take consequential steps. Accordingly, a show cause notice was issued calling upon the petitioners to submit their explanation as to why their regularization should not be cancelled. Petitioners filed their explanation. The order of cancellation of regularization was issued on 31.03.2010. Aggrieved thereby this writ petition is filed.

3. The court is informed that as per interim order of this Court, petitioners continued to enjoy the benefits of regular service all along.

4. Learned counsel for the petitioners placed reliance on the decision of this Court in W.P.No.6697 of 2010, where similar issue of cancellation of regularization by the Commissioner was considered by this Court. The petitioners therein were also working as lecturers under this respondent-Management.

5. On due consideration of respective submissions, the Writ Petition was allowed setting aside proceedings of Commissioner dated 09.02.2010 and further directions were issued. Paragraphs 11 and 12 of the order reads as under:

“That being so and as the petitioners have been working from 1996 and prima facie the Executive Officer was competent to grant regularisation and thus validly passed orders dated 25.06.2008 in accordance with the general directions of the Commissioner, dated 07.04.2000, and on account of the regularisation, some kind of hope is created to petitioners, even assuming that G.O.Ms.No.12, dated 10.01.1992, is attracted for regularisation of appointment of Lecturers in unaided degree colleges, the entitlement of the petitioners for regularisation could not have been rejected on that premises.

The Writ Petition is accordingly allowed and the proceedings dated 09.02.2010 are set aside. The Commissioner is directed to examine the claim of the petitioners for regularisation of their services having regard to the long service rendered by them and without looking into the procedure prescribed in G.O.Ms.No.12, dated 10.01.1992 and if the petitioners are found to be otherwise eligible, their services be regularised and shall be granted all consequential benefits. While considering the claim of the petitioners for regularisation, the Commissioner shall also take due note of the fact that by orders of the Executive Officer, dated 25.06.2008, ten employees were regularised, whereas the present action is taken only against five employees, the petitioners herein. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.”

6. Following the said decision, this Writ Petition is also allowed and the proceedings of the Commissioner and the consequential

order of the Executive Officer, impugned in the writ petition are set aside. The Commissioner of Endowments, Hyderabad (1st respondent) is directed to examine claim of petitioners for regularization of their service, having regard to long service rendered by them and without looking into the procedure prescribed in G.O.Ms.No.12 dated 10.01.1992, and if the petitioners are found to be otherwise eligible, their services be regularized and they shall be granted all consequential benefits. While considering the claim of petitioners for regularization, the Commissioner shall also take due note of the fact that by orders of the Executive Officer, dated 25.06.2008, ten employees were regularized. The entire exercise shall be completed within a period of two (2) months from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

20th February, 2018
Rds

P.NAVEEN RAO,J