

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6520 OF 2002

ORDER:

This Writ Petition is filed seeking a writ of *Mandamus* directing the respondents to treat the petitioner as Field Maistry in the respondent - organization with effect from the date on which three other incumbents of very same selection have been appointed, with all consequential and attendant benefits including arrears of salary, seniority and promotion.

2. Heard Sri J.Sudheer, learned Senior Counsel, appearing for the petitioner, and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondent – organization.

3. It has been contended by learned counsel for the petitioner that the petitioner was initially appointed as N.M.R. worker with the respondent – organization on 27.12.1985; while he was working as N.M.R. worker, the respondents have notified vacancies of Field Maistry and conducted a selection process, which comprises of written test followed by an interview in October, 1988. Though the petitioner along with others was qualified for the post of Field Maistry, in the selection process, only three persons *viz.*, Yedla Ramana, C.H.Keshav Rao and Jalagam Satyanarayana were appointed in the vacancy of Field Maistry on regular basis. But, coming to the petitioner, he was appointed as Field Maistry on casual basis. The petitioner was under the impression that, during the selection process, there were only three regular vacancies and the petitioner having stood at Serial No.4, he was appointed on casual basis. This dispute came to light only when one Simhagiri Patnaidu filed Writ Petition No.18355 of 1989 contending that he should have been selected to the post of Field Maistry; the respondents herein had filed a counter-affidavit in the Writ Petition filed by the said Patnaidu contending that there were 4 vacancies and the

petitioner *i.e.*, Patnaidu did not come within the zone of consideration for appointment to the post of Field Maistry, and only when a counter-affidavit is filed in the Writ Petition filed by Patnaidu, the petitioner herein came to know that there were four vacancies but not three vacancies. In those set of circumstances, the petitioner has preferred the present Writ Petition seeking a *Mandamus* directing the respondents herein to treat him as regular Field Maistry and extend the consequential benefits as it was being done in the case of other Field Maistries, who were appointed on regular basis.

4. Learned counsel for the petitioner contended that the respondents ought to have appointed the petitioner as a regular Field Maistry in pursuance of the selections made in October, 1988. It has been further contended that the respondents have retrenched the petitioner on 31.05.2003 *i.e.*, on which date the other three Field Maistries, who were appointed along with the petitioner on regular basis on 11.05.1989, were retrenched. The contention of the petitioner that as the service of the petitioner was treated as casual Field Maistry and his retrenchment compensation was not properly paid, when compared to payment of retrenchment compensation to the post of regular Field Maistry, the respondents ought to have extended retrenchment compensation to the petitioner by duly taking into account the pay-scales attached to the post of regular Field Maistry.

5. Learned counsel appearing for the respondent – organization contended that this Writ Petition is liable to be dismissed on the grounds of delay and laches as the petitioner was appointed as a casual Field Maistry in July, 1989 and filed the present Writ Petition in 2002; apart from that there were 4 vacancies of Field Maistries of which 3 vacancies were on regular basis and 1 vacancy was on casual basis, since more

meritorious candidates were there in the selection process, those three persons were appointed as regular Field Maistries and as the petitioner has secured less marks, he was appointed as a Causal Field Maistry. Therefore, the petitioner is not entitled for regularization of his services as regular Field Maistry. In fact, in 1997 itself the petitioner had filed Writ Petition No.35805 of 1997 and the same was dismissed on 17.06.2004 and, in view of dismissal of the said Writ Petition, the relief sought for in the present Writ Petition is not maintainable.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that since the nature of duties performed by the petitioner is that of regular Field Maistry and as the petitioner also discharged the duties of regular Field Masitry, he is entitled for the pay scales attached to the post of regular Field Maistry. Therefore, the respondents are directed to re-calculate the retrenchment compensation, by duly taking into account the pay scales attached to the post of regular Field Maistry, and pay all the dues of retrenchment compensation, after deducting the amount, if any, paid to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. Accordingly, with the above observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand disposed of in consequence.

Date: 14.08.2018.
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ABHINAND KUMAR SHAVILI, J

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266



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