

THE HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A.No.402 of 2018

ORDER: (Per the Hon'ble Sri Justice Suresh Kumar Kait)

The present appeal is filed against the order dated 14.06.2017 passed in W.P.No.558 of 2009 by the learned single Judge of this Court, allowing the petition filed by the first respondent/petitioner.

2. The brief facts are that the first respondent herein has joined as NMR in Khammam Municipality as Laskar in the year 1987 and has been continuing in service since then. While so, the Government issued G.O.Ms.No.212, Finance and Planning (PC.III) Department, dated 22.04.1994, framing guidelines for regularization of services of the persons appointed on daily wage or NMR or on consolidated pay and continuing on the date of commencement of the said Government order. Though the first respondent has completed the requisite period of five years of service by the date of issuance of G.O., i.e., 22.04.1994, the petitioners herein failed to regularize his services. In those circumstances, the first respondent along with nine others filed W.P.No.2780 of 1998 seeking a direction to regularize their services in terms of G.O.Ms.No.212 dated 22.04.1994. During pendency of the said writ petition, the first petitioner herein issued G.O.Ms.No.224 MA dated 20.05.2002, directing regularization of services of the first respondent and 20 other NMRs of Khammam Municipality prospectively. Challenging

the same, the first respondent filed the writ petition and the same was allowed by the order impugned.

3. It is brought to the notice of this Court that in similar circumstances, this Court, by order dated 12.06.2017, allowed W.P.No.11965 of 2017 holding that the petitioners therein would be entitled to regularization of their services from the date they completed five years of service, but they would not be entitled to any monetary benefit in terms of arrears of pay in view of G.O.Ms.No.212 dated 22.04.1994. However, the petitioners would be eligible for notional fixation of pay and seniority.

4. Since the present case is squarely covered by the decision of this Court in W.P.No.11965 of 2017 dated 12.06.2017, the present Writ Appeal is dismissed, directing the petitioners to regularize the services of the first respondent from the date he completed five years of service, but he is not entitled to any monetary benefit in terms of arrears of pay in view of G.O.Ms.No.212 dated 22.04.1994. However, the first respondent would be eligible for notional fixation of pay and seniority. No order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

11th June, 2018
sj