

**THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT**  
**AND**  
**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 33288 of 2012**

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

Vide the present petition, petitioners have challenged order dated 12.07.2011 passed in O.A.No.11065 of 2008 whereby the application filed by 1<sup>st</sup> respondent under Section 19 of the Administrative Tribunal Act, 1985 has been allowed.

2. The 1<sup>st</sup> respondent, who is working as Bill Collector in 2<sup>nd</sup> respondent Municipality, has filed the afore-stated O.A. before the Andhra Pradesh Administrative Tribunal, Hyderabad seeking the relief to declare the action of the petitioners in not counting the services rendered by him on daily wage basis w.e.f. 18.07.1992 or from the date of completion of five years or from the date of arising the vacancy of Bill Collector for the purpose of regularization as arbitrary and illegal. The 1<sup>st</sup> respondent's services were regularized for the purpose of seniority without monitory benefits for effecting promotions and also for granting pension. Further relief is sought thereby directing the petitioners to grant seniority without any monitory benefits for the services rendered by him on daily wage basis w.e.f. 18.07.1992 or from the date of arising the vacancy of Bill Collector in which post the 1<sup>st</sup> respondent's services were

regularized for getting promotion and also for counting service for granting pensionary benefits.

3. While allowing the said O.A., the learned Tribunal held that the issue involved in the O.A. would squarely covered by the orders in O.A.No.8095 of 2008 dated 19.01.2011 and therefore, the 1<sup>st</sup> respondent is entitled for regularization of services w.e.f. 18.07.1992 on which date he completed five years of continuous service, as per G.O.Ms.No.212, Finance & Planning Department, dated 22.04.1994. Accordingly, the petitioners were directed to regularize the services of the 1<sup>st</sup> respondent w.e.f. 18.07.1992. It is, however, made clear that the 1<sup>st</sup> respondent shall not be entitled for arrears of pay and he is only eligible for notional fixation of pay and seniority. Accordingly, the petitioners were directed to issue orders, as per the above directions, within four weeks.

4. Similar issue came before this Court in W.P.No.33936 of 2011 and batch and same were disposed of vide order dated 02.05.2018, while relying upon the judgment of the Supreme Court in B. Srinivasulu Vs. Nellore Municipal Corporation.

5. The issue involved in this case is covered by the case decided by the Supreme Court in B. Srinivasulu supra. Therefore, we find no merit in the present petition filed by the State.

6. The writ petition is accordingly dismissed. Consequently, the petitioners are directed to extend the benefit to the 1<sup>st</sup> respondent, in terms of B. Srinivasulu supra.

Consequently, miscellaneous applications if any pending in the writ petition shall stand closed. No order as to costs.

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SURESH KUMAR KAIT, J

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ABHINAND KUMAR SHAVILI, J

19<sup>th</sup> July, 2018  
cbs



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W.P.No. 33288 of 2012  
(dismissed)

19<sup>th</sup> July, 2018

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