

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16956 of 2002

ORDER:

Heard learned counsel for petitioner and the learned Standing Counsel for respondents.

According to petitioner, the services of his junior by name Mr.G.S.B.P.Rao were regularized with effect from 18.01.1988 and therefore, the services of petitioner also have to be regularized from that date.

The Hon'ble Supreme Court in DIVISIONAL MANAGER, A.P.S.R.T.C Vs. P.LAKSHMOJI RAO AND OTHERS¹, held as follows :-

“In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily-wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows :

If any of the conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle.”

In the light of the aforesaid decision of the Hon'ble Supreme Court, if services of any of the juniors to the petitioner are regularized at an

¹ (2004) 2 SCC 433

earlier point of time, in those set of circumstances, the petitioner is also entitled for regularization of his services on par with his juniors.

With the above observation, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

01-11-2018
Prv

