

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24574 OF 2008

ORDER :

This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings of the 2nd respondent No.E2/E1/785(4)/05-RM (T), dated 22-5-2008 in rejecting the claim of the petitioners for regularization on par with their junior as illegal and arbitrary and set aside the same and further direct the respondents herein to regularize the petitioners' services on par with 3rd respondent with all consequential benefits including fixation of pay and payment of arrears.

Heard Sri P.Govinda Rajulu, the learned counsel for the petitioner and Sri Aravala Rama Rao, the learned Standing Counsel for APSRTC.

It is the case of the petitioners that the 1st and 2nd petitioners are working as conductors in Chittoor-I depot and 3rd and 4th petitioners are working as conductors at Chittoor-II depot. They were initially appointed as conductors in the respondents' corporation with effect from 11-5-1987, 20-5-1987, 20-5-1987 and 1-2-1986 respectively and their services were regularized with effect from 31-7-1995, 1-8-1990, 1-8-1990 and 1-8-1990 respectively. The 3rd respondent herein was also initially appointed as conductor in the respondents-corporation on 20-5-1987, but his service was regularized with effect from 20-5-1987 i.e., with effect from the date of his initial appointment.

The learned counsel for the petitioners contends that the petitioners filed WP No.15242 of 1997 before this Hon'ble Court along with others seeking Writ of Mandamus directing the respondents to regularize their services from the date of original appointment with consequential benefits from the date of regularization including difference of salary. The above said Writ Petition was disposed of on 8-7-2005 in Divisional Manager, APSRTC Vs. P.Lakshma Rao.

The learned counsel for the petitioners further contends that after lapse of nearly 3 years, the 2nd respondent herein passed the proceedings dated 22-5-2008 rejecting their claim on the ground that no juniors to the petitioners were regularized from the date earlier to the regularization of the petitioners. The 2nd respondent herein passed the above proceedings without comparing their claim on par with the juniors. The proceedings of the 2nd respondent herein are illegal and arbitrary and the same are liable to be set aside by this Hon'ble Court with all consequential benefits including arrears.

The learned counsel for the petitioners further contends that the 3rd respondent herein was initially appointed as conductor on 20-5-1987 in the respondents' corporation and his services were regularized from the date of his initial appointment i.e., with effect from 20-5-1987 with all consequential benefits. The 2nd respondent herein has to compare the petitioners' case on par with juniors in the Region but not with existing seniority list as stated in his proceedings. They further stated that though they are entitled for regularization of their services from the date of their initial appointment after completion of 240 days, the 1st and 2nd respondents herein are not considering their cases till today, in spite of directions from this Hon'ble Court. They further stated that due to not fixing of their seniority and their pay on par with the 3rd respondent, they are facing much seniority and financial problems. They filed this writ petition with a prayer that this Hon'ble Court may be pleased to set aside the proceedings of the 2nd respondent dated 22-05-2008 with all consequential benefits.

Learned Counsel appearing for the petitioners has drawn the attention of this Court to an identical case in *A.Rajeswar vs. Managing Director, APSRTC & Ors* (W.P.No.24363 of 1998, dated 1.9.1998), wherein this Court has considered and adjudicated the issue as to whether the casual workers are entitled for

regularization on completion of 240 days, and allowed the writ petition by following the judgment reported in *APSRTC v. P.T.Rao*¹, wherein Division Bench of this Court declared that the workmen are entitled for regularization.

Learned Standing Counsel appearing for the respondents contends that the cases of the petitioners were considered for regularization as and when vacancies arose and therefore, the petitioners are not entitled for regularization from the date of their initial appointment as there were no vacancies as on that date.

Having considered the submissions made by the learned Counsel on either side, this Court is of the considered view that the issue raised in the present writ petition is squarely covered by the aforesaid judgment in *A.Rajeswar vs. Managing Director, APSRT & Ors* (W.P.24363 of 1998, dated 1.9.1998) and therefore, this writ petition can be disposed of in terms of the said judgment.

Accordingly, the Writ Petition is disposed of in terms of the judgment rendered in W.P.No.24363 of 1998, dated 1.9.1998, directing the respondents to consider the cases of the petitioners to regularize their services from the date of their initial appointment without any back wages and other monetary benefits. However, the date of their initial appointment should be considered for the purpose of fixation of pay and pensionary benefits. No costs. Miscellaneous petitions, if any, pending shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 23.11.2018

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¹ 1998(2) ALT 47