

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.7176 OF 2014

ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

O.A.No.8763 of 2012 was filed by the first respondent herein before the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking regularisation of his services in the category of Lecturer in Mathematics in the Government Degree College, Tanuku, West Godavari District, as per G.O.Ms.No.221, Education Department, dated 20.06.1995 and G.O.Rt.No.214, Higher Education Department, dated 21.03.2009. He also sought a consequential direction to the authorities to regularise his services in the category of Lecturer in Mathematics in the Government Degree College with effect from 25.11.1993 with all consequential benefits. By common order dated 10.04.2013 passed in the subject O.A. and other O.As., the Tribunal directed the authorities to regularise the services of all the applicants by counting the period which they had spent on invigilation keeping in view the criteria laid down by this Court in W.P.No.5304 of 1998, which were confirmed in appeal in W.A.No.2038 of 2001. Aggrieved by this direction, the respondents in O.A.No.8763 of 2012 filed this writ petition.

By order dated 11.03.2014, this Court granted interim suspension of the order under challenge. I.A.No.1 of 2015 (W.V.M.P.No.243 of 2014) was filed by the first respondent, the applicant in O.A.No.8763 of 2012, to vacate the said order.

Heard the learned Government Pleader for Services, State of Andhra Pradesh, and Smt. G.Uma Rani, learned counsel for the first respondent/applicant.

Smt.G.Uma Rani, learned counsel, would submit that the matter is squarely covered by the decision of a Division Bench of this Court in W.P.No.32779 of 2013. A copy of the order dated 18.11.2013 passed in the said writ petition is placed on record. By the said order, the Division Bench held that when wages were paid for doing the job of invigilation during the examinations, there is no reason for excluding such days from the total actual number of working days for the purpose of G.O.Ms.No.221 dated 20.06.1995. Learned counsel would further submit that the review petition filed by the State in W.P.No.32779 of 2013 was dismissed on 21.03.2014 and aggrieved thereby, the State approached the Supreme Court, but Special Leave to Appeal C.C.No.10776 of 2014 was dismissed by the Supreme Court.

Learned Government Pleader does not dispute the aforestated facts.

In that view of the matter, the issue is squarely covered against the petitioners.

The writ petition is accordingly dismissed. As the time frame fixed by the Tribunal has already expired, the petitioners shall give effect to the order dated 10.04.2013 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.8763 of 2012 within eight (8) weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

Date:04.04.2018

M.GANGA RAO,J

PGS

