THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10005 of 2004

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioners on par with their colleague Sri D.Janardhan with effect from 1.8.1992 with all consequential benefits including arrears.

2. Heard Sri P.Govinda Rajulu, learned counsel for the petitioners and the learned Standing Counsel for the respondents.

3. It is the case of the petitioners that they were initially appointed as daily wage Conductors in the respondent-Corporation on 6.3.1992. As per the policy of the respondent-Corporation, they are entitled for regularization on completion of 240 days of service. The services of the petitioners were regularized nearly after lapse of two years, *vide* proceedings dated 7.10.1994 and 8.11.1994 respectively w.e.f.1.8.1994. Since their request to regularize their services on par with their colleague Sri D.Janardhan w.e.f.1.8.1992 was not considered, the present writ petition is filed.

4. Learned Counsel appearing for the petitioner 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.

5. Learned Standing Counsel appearing for the respondents contends that the case of the petitioners was considered for regularization as and when vacancies arose i.e., w.e.f. 1.8.1994 and therefore, the petitioners are not entitled for regularization on par with Sri D.Janardhan, as there were no vacancies as on that date.

6. 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.No.24363 of 1998, dated 1.9.1998)** and therefore, this writ petition can be disposed of in terms of the said judgment.

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[1] 1998(2) ALT 47

7. 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 case of the petitioners for regularization their services on par with Sri D.Janardhan, without any back wages and other monetary benefits. However, the date of their 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: 05/11/2018
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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते