

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9447 OF 2007

ORDER

This writ petition is filed seeking the following relief:

“..to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents herein in not regularizing the services of the petitioner on par with his colleagues/juniors and the proc.No.P1/255(2)/05, Narsipatnam, dated 21.12.2005 is liable to be set aside in the interest of justice is illegal, unjust and arbitrary, contrary to well established principles of law, volative of Articles, 14 , 16 and 21 of the Constitution of India and consequentially direct the respondents to pay the difference of arrears of wages by regularizing his services forthwith in the interest of justice and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

2. Heard Sri S.M.Subhan, learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

3. It is the case of the petitioner that he was initially appointed as Driver in the respondent-Corporation on 27.2.1996, and he has worked more than 240 days. As per the policy of the respondent-Corporation, he is entitled for regularization on completion of 240 days of service. The services of the petitioner were regularized w.e.f. 1.1.2005. Since his request to regularize his services from the date of his

initial appointment 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 petitioner is not entitled for regularization from the date of his initial appointment 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,

¹ 1998(2) ALT 47

dated 1.9.1998) and therefore, this writ petition can be disposed of in terms of the said judgment.

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 petitioner to regularize his services from the date of his initial appointment without any back wages and other monetary benefits. However, the date of his 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.

JUSTICE ABHINAND KUMAR SHAVILI

5th November, 2018
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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



W.P.No.16182 OF 2002

12.10.2018

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