

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4586 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 2nd respondent in rejecting the claim of the petitioner for regularization of his services and not admitting the post to grant-in-aid from the date of his initial appointment, vide proceedings dated 07.01.2011, as illegal and arbitrary. A consequential direction is also sought to the 1st respondent to extend the benefit given to the juniors of the petitioner in terms of G.O.Rt.No.675 dated 06.05.1989 and G.O.Rt.No.723 dated 01.10.2001.

Heard Sri G. Venkata Krishnaiah, learned counsel for the petitioner, and learned Government Pleader for Higher Education.

It has been contended by the petitioner that he was appointed as contingent staff on daily wage basis by the 3rd respondent college on 10.04.1985 and, later, as Record Assistant with effect from 01.07.1988. Subsequently, on the proposals submitted by the 3rd respondent college and the report submitted by the 2nd respondent for regularization of his services, the 1st respondent issued G.O.Rt.No.1217, dated 25.11.1999 permitting the 2nd respondent to regularize his services with prospective effect in terms of G.O.Ms.No.212, dated 22.04.1994, pursuant to which, the 2nd respondent vide proceedings dated 14.12.1999 regularized his services as Record Assistant w.e.f. 25.11.1999.

It is further contended by the petitioner that one of his juniors to him, namely K. Seethamma, filed W.P.No.6218 of 1997 seeking regularization on the lines of similarly situated persons, and the said writ petition was disposed of vide orders dated 08.10.1998 with a direction to the respondents to consider her case for relaxation on the lines similar to those staff appointed in the same college keeping in view the guidelines issued by the Government in G.O.Ms.No.148 dated 26.06.1993 within six weeks. In compliance with the said orders, her services were regularized with effect from the date of her initial appointment vide G.O.Rt.No.675 dated 06.05.1999. Similarly, the services of another junior to him, namely D. Ramanjaneya Prasad, were also regularized with effect from the date of his initial appointment vide G.O.Rt.No.723 dated 01.10.2001. In view of the same, he stands on the same footing as that of his juniors and his case also deserves to be considered on par with his juniors. His grievance is that though the 3rd respondent addressed a letter dated 01.10.2011 to the 2nd respondent seeking to regularize his services on par with his juniors, the 2nd respondent rejected his claim stating that his services were earlier regularized in terms of G.O.Ms.No.1217 dated 25.11.1999 with prospective effect and as the policy of the Government for regularization is only with prospective effect, his case cannot be considered, vide proceedings dated 07.01.2011.

Learned Government Pleader for Higher Education has not disputed about the issuance of the afore-stated G.O.Rts.

Having considered the submissions made by the parties and perused the record, this Court is of the considered view that the petitioner also stands on the same footing as that of his juniors and his case deserves to be considered for regularization in terms of the said G.O.Rts.

Accordingly, the writ petition is allowed and the impugned proceedings dated 07.01.2011 issued by the 2nd respondent are set aside. The respondents are directed to consider the case of the petitioner and pass appropriate orders for regularization of his services on par with his juniors in terms of G.O.Rt.Nos.675 dated 06.05.1999 and 723 dated 01.10.2001, within a period of four (4) weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

12th October, 2018
cbs

ABHINAND KUMAR SHAVILI, J

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 4586 of 2011
(allowed)

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