

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.26851 OF 2001

ORDER

This writ petition is filed seeking for the following relief:

“...to issue an appropriate writ, order or direction especially in the nature of writ of Mandamus declaring the action/inaction of the respondents in not converting petitioner into Class IV employee under G.O.Ms.No.237, dated 4.4.1985 and G.O.Ms.No.212, dated 22.4.1994 and as per Central Act No.2 of 1994 as amended by Act 27 of 1998, and in not regularizing petitioner's services as per the provisions of G.O.Ms.No.226, dated 22.6.1992 as illegal and discriminatory and consequently direct the respondents to convert petitioner's post of Watchman-cum-Sweeper into Class IV post and/or regularise petitioner's services with effect from 22.6.1992 and sanction the grant-in-aid for the purpose of payment of salary as Class IV employee from 22.6.1992 or in the alternative from 10.06.1993 and order payment of arrears of salary from 22.6.1992 or in the alternative from 10.06.1993 and pass such other and further orders to meet the ends of justice.”

It is the case of the petitioner that he was appointed as full time contingent watchman-cum-sweeper on 10.6.1988. He had completed five years of service as on 10.06.1993. Subsequently, he had passed SSC in 1998 and qualified to the post of Watchman/Sweeper and also entitled for absorption as Class IV employee on par with the other class IV staff from 25.11.1993. He submitted several representations to the respondent authorities for conversion of his post into Class IV employee. Further, the 4th

respondent-Deputy Educational Officer, Parchur, addressed a letter dated 22.10.98 to the 3rd respondent-District Educational Officer, Ongole, recommending the case of the petitioner for conversion of his post into Class IV employee. Thereafter, the 5th respondent- Regional Joint Director of School Education addressed a letter dated 5.8.1999 to the 2nd respondent-Commissioner and Director of School Education, Hyderabad, and sought for necessary orders for conversion of the said post into Class IV. Thereafter, the 2nd respondent vide proceedings dated 04.10.2000 informed the 5th respondent to examine the case of the petitioner in detail as per the guidelines given in G.O.Ms.No.212, dated 22.4.1994, subject to fulfilment of the conditions stipulated in the said G.O. The 5th respondent vide letter dated 5.1.2001 intimated the 3rd respondent to follow the guidelines issued in G.O.Ms.No.212 and resubmit the proposals and financial clearance certificate from the competent authorities, as per the rules in force. So far, no action has been taken. Hence, the present writ petition is filed.

The 3rd respondent has filed counter-affidavit stating that the petitioner is not entitled for absorption as he has

not fulfilled the terms and conditions laid down in G.O.Ms.No.237, dated 04.04.1985 and G.O.Ms.No.212, dated 22.04.1994.

Learned counsel appearing for the petitioner would submit that since the petitioner is working as Watchman-cum-Sweeper from 14.6.1988 till date in the 4th respondent-school for meagre wages, he is entitled for absorption in the existing vacancy and therefore, the action of the respondents in not regularizing his services is illegal and arbitrary.

Per contra, learned Government Pleader appearing for the respondents states that the petitioner has not fulfilled any of the conditions/guidelines issued in G.O.Ms.No.237 dated 4.4.1985 and hence, is not entitled for absorption.

As can be seen from the records, it appears that the petitioner is working as a Watchman-cum-Sweeper from 14.6.1988 in the 4th respondent-school and one attender post is vacant. His case was recommended by the 4th respondent-Deputy Educational Officer and also by the 5th respondent-Regional Joint Director of School Education, for absorption in the post of attender in the 4th respondent-school.

In the facts and circumstances of the case, the contention of the learned Government Pleader merits no consideration.

Considering the long length of service rendered by the petitioner as watchman-cum-sweeper, the respondents are directed to consider the case of the petitioner for absorportion/regularization in the existing vacancy of attender available in the 4th respondent school, as per the Government orders holding the field.

Accordingly, the writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE M.GANGA RAO

5th July, 2018
rkk

