

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.35792 of 2012

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioners from the date of their initial appointment with all consequential benefits including arrears.

Heard Sri N.Gangadhar, learned counsel for the petitioners and the learned Standing Counsel for the respondents.

It is the case of the petitioners that they were initially appointed as Casual Conductors in the respondent-Corporation and have completed more than 14 years of service. 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 five years, *vide* proceedings dated 20.07.2009 w.e.f. 01.07.2009. Since their request to regularize their services from the date of their initial appointment was not considered, the present writ petition is filed.

Learned Counsel appearing for petitioners 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, a Division Bench of this Court declared that the workmen are entitled for regularization.

Learned Standing Counsel appearing for the respondents contends that the cases of the petitioners were considered for regularization as and when vacancies arose i.e., w.e.f. 01.07.2009, and therefore, the petitioners are not entitled for regularization from the date of their initial appointment as there were no vacancies as on that date.

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.

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 cases of the petitioners to regularize their services from the date of their initial appointment without any back wages and other monetary benefits. However, the date of their initial appointment should be considered for the purpose of fixation of pay and pensionary benefits. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th December 2018

ajr

¹ 1998(2) ALT 47