

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.22622 of 2012

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the petitioner is seeking verbatim the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents in not allowing the petitioner the regular service and notional seniority w.e.f. 06.12.1996 and pecuniary benefit w.e.f.09.12.1997 while extending such benefits to all other contract labour absorbed under the scheme of absorption vide B.P.Ms.No.37, dated 18.05.1997 and B.P.Ms.No.272 dated 31.12.1997 and B.P.Ms.No.326, dt.14.3.1998 and thereby denying the petitioner the equal treatment and further action of the respondents in fixing less scale to the petitioner while fixing higher scale to all other contract labour absorbed under the same scheme is highly illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to allow the service benefit w.e.f. 6.12.1996 and pecuniary benefit from 9.12.97 as per B.P.Ms.326, dt.14.03.98 as allowed to the other similarly situated persons Vide memo No.CEE/O&M/DR.NTTPS/Adm/C.3/F. 8/D.NO.2813/11, dt.14.12.2011 as per the orders of this Hon'ble Court in Writ Petition No.2179/2006 Dt.19.11.2010 and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case.”

2. When this matter is taken up for hearing, *Mr.G.V.Shivaji*, learned counsel for the petitioner, and *Ms.K.Aruna*, learned Standing Counsel for APGENCO representing the respondents, are in agreement that the issue involved in the present writ petition is squarely covered by the order of this Court, dated 16.07.2018, in W.P.No.12747 of 2012. A copy of the said order is placed on record.

3. Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated order dated 16.07.2018, this Writ Petition is disposed of in terms of the said order. The undertakings given by the petitioner that he would forego his seniority with effect from 06.12.1996 and would not claim notional seniority are recorded. As a sequel to this order, the respondents shall regularise the services of the petitioner with effect from 06.12.1996 and count the services of the petitioner on regular basis with effect from 06.12.1996 for the purpose of retiral benefits and purposes of pension only and further allow him pecuniary benefits with effect from 09.12.1997, as were allowed to other contract labourers as per the Scheme *vide* B.P.Ms.No.326.

4. The Registry is directed to enclose a copy of the order of this Court, dated 16.07.2018, passed in W.P.No.12747 of 2012, to this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 03.08.2018

Note: Issue CC by 09.08.2018

B/o

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