

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.5344 OF 2001

ORDER:

Petitioner, who worked as a Plantation Mastry, filed this Writ
Petition seeking the following relief:

“... to declare the Section 7 of the Amendment Act 27/98 to the Principal Act 2/94 providing completion of 5 years as on 25-11-93 for regularisation of services and Clause (5) of the G.O.Ms.No.212, dt.22-4-1994 for regularization of services only in the clear existing vacancy and also the action of the respondents in not regularizing the services of the petitioner even after regularization of the services of the juniors to the petitioner as highly arbitrary, illegal and violative of Article 14, 16 and 21 of the Constitution and consequentially to direct the respondents to regularize the services of the petitioner as and when completes 5 years of service irrespective of existence of clear vacancy and to pass such other order or orders as this Hon. Court may deem fit and proper.”

Brief facts of the case are that the petitioner was appointed as a Plantation Maistry at Kamayyapalem service of Jangareddygudem zone in the month of April, 1977 and continued up to 1999. His case is that the services of one Mr.S.K.Mohiddin and Mr.P.Satyanarayana, who were also appointed as plantation maistries along with him, were regularized by the second respondent vide Ref.No.1.7.43/Vol.II/1183 dated 07.11.1997 whereas the petitioner's services were not regularized. He further states that Section 7 of the Amendment Act 27 of 1997 was declared as unconstitutional by this Court in W.P.No.7175/1997. In consequence thereof, whenever employee completes five years of service, he is entitled for regularization.

Initially, on 27.03.2001 this Court issued notice before admission and on 15.02.2002 admitted the Writ Petition. However, no interim order was granted.

At the time of filing of the writ petition, the petitioner was aged 47 years. Hence, by this time he could have crossed the age of superannuation and the petitioner is also not continuing in the respondent-Corporation from 1996 onwards. Hence, nothing could be positively adjudicated in this writ petition and only for academic purpose, this case cannot be decided on merits.

Hence, the Writ Petition is dismissed.

Miscellaneous petitions pending in this petition, if any, shall stand closed.

11th July, 2018
sur



(M.GANGA RAO, J)