

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
and
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.27148 of 2018

ORDER:- (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the order dated 03.10.2017 passed in O.A.No.3668 of 2014 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the application filed by him under Section 19 of Administrative Tribunals Act, 1985, has been dismissed.

2. While the petitioner was working as Office Subordinate in the office of SRBC, Banaganapally, Division-II, Nandyala, the second respondent issued a memo dated 21.03.2013 informing that he is not eligible for regularization of services with retrospective effect i.e., from 22.04.1994. Challenging the same, the petitioner filed the aforesaid O.A. He is also seeking for regularization notionally w.e.f 25.11.1993, in the cadre of Office Subordinate with all consequential benefits.

3. The first respondent filed counter-affidavit stating that based on the availability of clear vacancy and roster point, the services of the petitioner were regularized in terms of G.O.Ms.No.212 Finance and Planning (FW.PC.III) Department dated 22.04.1994 and that the second respondent issued the said memo in accordance with Government Memo No.573/225/A.3/PC.III/97 Finance (PC.III) Department dated 01.09.1997. It is further stated that the petitioner is not eligible for regularization of services with retrospective effect

as per the said memo, but he is entitled for regularization with prospective effect.

4. The question is whether the petitioner is entitled for regularization notionally w.e.f 25.11.1993 in the cadre of the Office Subordinate with all consequential benefits or not?

5. In similar circumstances, this Court in **Government of A.P., rep. by its Principal Secretary, PR and RD Department, Hyderabad and others v. N. Venkaiah and others**¹, held as under:

“On the above analysis, the writ petitions are disposed of directing the authorities concerned to extend the benefit of B. Srinivasulu (1 supra) to the employees in this batch of cases by reckoning their services from the date of completion of five years in service, on or before 25.11.1993, for the purposes of their pension and pensionary benefits. They shall however not be entitled to actual monetary benefits for the said period, in the form of arrears of pay or allowances”.

6. In addition to above, similar issue came up before this Court in W.P.No.11965 of 2017. The learned counsel appearing on behalf of the respondents therein conceded the fact that the order passed by this Court in W.P.No.1225 of 2016 dated 19.04.2017 is squarely covered the case of the petitioner therein. In the present case also, the learned counsel for respondents has conceded the said fact.

7. Since the issue in the present writ petition is squarely covered by the judgments of this Court mentioned above, we hereby allowed the present writ petition, holding that the petitioner would be entitled to regularization of his services from the date when he completed

¹ 2018(4) ALT 6 (D.B.)

five years of service, but he would not be entitled to any monetary benefits in terms of arrears of pay in view of G.O.Ms.No.212 dated 22.04.1994. The petitioner would however be eligible for notional fixation of pay and seniority. No order as to costs. Miscellaneous petitions, if any pending in this petition, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

2nd August, 2018
sj

