

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.28142 of 2018

ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

This writ petition is filed challenging the order dated 31.05.2017 in O.A.No.3042 of 2014 passed by the A.P. Administrative Tribunal, Hyderabad whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 seeking to count his N.M.R. service prior to regularization of his service for the purpose of pension benefits and seniority without any monitory benefits, has been dismissed.

Heard the learned counsel for the parties and with their consent this writ petition is taken up for disposal at the admission stage itself.

The petitioner was initially appointed as N.M.R. for the period from 1988 to 1990 and his services were regularized in terms of G.O.Ms.No. 212, Finance and Planning (FW.PC.III) Department, dated 22.04.1994 by virtue of G.O.Ms.31 I&CAD (Ser.V) Department dated 06.03.2013. The petitioner is seeking declaration that the action of the respondents in not counting his services rendered as N.M.R. prior to regularization of his services for the purpose of pension benefits and seniority is illegal and arbitrary.

When similar issue came up in W.P.No.33288 of 2012, this Court directed the Government to extend the benefit to the petitioners therein, in terms of the judgment of the Supreme Court in ***B.Srinivasulu v. Nellore Municipal Corporation (Civil Appeal No. 6318 of 2015, dated 17.08.2015).***

Inasmuch as the issue in the present writ petition is the same, the respondents are directed to extend benefit to the petitioner in terms of the judgment of the Supreme Court in the case of ***B.Srinivasulu*** cited supra, within a period of four weeks from the date of receipt of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

August 09, 2018
MRR

