

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5931 OF 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not considering the case of the petitioner for regularizing his services to the post of watchman, which is a permanent post, as illegal and arbitrary, and consequently, to direct the respondents to consider the case of the petitioner for regularizing his services in the post of watchman.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and Sri A. Madhava Rao, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was initially appointed as electrician on 10.11.1993 and since then, he has been discharging his duties. While he was working as such, his services were terminated on 7.10.1995 without following due process of law. Then, he challenged the said termination order before the Labour Court by filing I.D.No.51 of 1996 and the Labour Court vide orders dated 18.2.1999 directed the respondents to reinstate the petitioner into service with continuity of service but without back wages. Accordingly, the petitioner was reinstated into service and since then, he has

been discharging his duties. Now, the grievance of the petitioner is that even though he was engaged as electrician, apart from electrician work, he is also working as watchman in the respondent-organization, and there are vacancies in the respondent-organization to the post of watchman, which is a permanent post, in which the petitioner is performing his duties and therefore, he made a representation to the respondents for regularization of his services in the cadre of watchman. The name of the petitioner was recommended by the 1st respondent along with other similarly situated persons for regularization, but there has been no response so far. Aggrieved by the same, the petitioner filed this writ petition.

4. Learned Counsel for the petitioner contended that similar issue fell for consideration before this Court in W.P.No.11448 of 2014 and this Hon'ble Court vide order dated 15.6.2016 was pleased to observe as follows:

"Learned counsel for the petitioner submitted that this Court disposed of WP No.26479 of 2011 on 30.01.2012 and based on the same, three other Writ Petitions were disposed of on 17.07.2012 with the following observations.

"....these writ petitions are disposed of directing the Government of Andhra Pradesh, represented by its Principal Secretary, Social Welfare Department, to take appropriate action in the matter basing upon the proposals submitted by the Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Limited on 27.4.2010 (insofar as the petitioner in W.P. No.25792 of 2011 is concerned), 25.4.2010 (insofar as the petitioner in W.P.No.662 of 2012 is concerned) and 01.10.2010 (insofar as the petitioner in W.P.No.5050 of 2012 is concerned). The Government of Andhra Pradesh shall keep in mind the relief granted to Ch. Bhaskar Rao and B.Janardhan Rao, daily wage employees

working in the society under the control of the A.P. Scheduled Castes Cooperative Finance Corporation Limited, who were identically situated to the petitioners herein, under its letter dated 29.7.2010 while considering the cases of the petitioners. This exercise shall be completed by the Principal Secretary, Social Welfare Department, Government of Andhra Pradesh, within a period of six (6) weeks from the date of receipt of a copy of this order. W.P.M.P. No. 31805 of 2011 in W.P.No.25792 of 2011, W.P.M.P. No. 821 of 2012 in W.P.No.662 of 2012 and W.P.M.P. No.6441 of 2012 in W.P.No.5050 of 2012 shall stand dismissed in the light of this final order. There shall be no order as to costs.”

The G.O.Rt.No.146, dated 04.03.2013, was issued in pursuance of the said direction only. The working of the petitioner on daily wage basis from 17.10.1989 as Section Writer is not disputed. It is inhuman to extract the work on daily wage basis for the last 25 years without even paying the minimum time scale of pay.

In view of the same, this Writ Petition is allowed directing the respondents to grant minimum time scale of pay to the petitioner as was done in the case of similarly situated persons and issue appropriate orders within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Relying upon the above judgment, the learned Counsel for the petitioner prayed that this writ petition may be disposed of in terms of the above judgment.

5. Learned Standing Counsel for the respondents had not disputed about the above said fact.

6. In view of the above circumstances, the Writ Petition is disposed of directing the respondents to extend minimum time scale of pay to the petitioner as it was done in the case of the petitioners in W.P.No.11448 of 2014, dated 15.6.2016, within a

period of three months from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:28th September, 2018.
Nn.



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28/09/2018

Nn.