

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2972 of 2013

ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present writ petition, the petitioners have challenged the order, dated 26.06.2012, passed in O.A.No.827 of 2012, by the learned Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the learned Tribunal disposed of the said O.A. on the ground that the subject matter is covered by order, dated 08.06.2012, passed in O.A.No.3931 of 2012.

The 1st respondent has filed the aforesaid O.A. aggrieved by the action of the petitioners herein in not regularizing his services immediately on completion of 5 years of service from the date of his appointment i.e., 09.11.1987 and regularizing his services prospectively through orders, dated 08.12.2011.

The similar issue came before this court in W.P.No.33936 of 2011 and batch, and this court by taking note of the judgment of the Supreme Court in *B.Srinivasulu v. Nellore Municipal Corporation*¹, vide common order, dated 02.05.2018, disposed of the said batch of writ petitions, directing the authorities concerned to extend the benefit of *B.Srinivasulu* (1 supra) to the employees in the said batch of writ petitions by reckoning their services from the date of completion of five years in service, on or before 25.11.1993, for the purpose of their pension and pensionary benefits. However, it is made clear that the petitioners therein shall not be entitled to actual monetary benefits for the said period, in the form of arrears of pay or allowances.

¹ Civil Appeal No.6318 of 2015 decided on 17.08.2015

The facts and the law are similar in the present case. Therefore, the present writ petition is disposed of with a direction to the Authorities concerned to extend the benefit to the 1st respondent herein, in terms of the common order, dated 02.05.2018, passed in W.P.No.33936 of 2011 and batch. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

SURESH KUMAR KAIT,J

ABHINAND KUMAR SHAVILI,J

Date: 09.07.2018
Dsr

