

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.8407 OF 2002

O R D E R

The case of the petitioner is that he is working in the office of the 2nd respondent – Executive Engineer, District Scheduled Caste Co-operative Society Limited, Guntur since 1.8.192 as Technical Work Inspector on NMR basis and his claim for regularization was rejected by the 1st respondent vide impugned proceedings dated 1.10.2001 on the ground that he has not fulfilled the condition No.5 of para -2 of G.O.Ms.No.212, Fin. & Planning (FW. PC.III) Department dated 22.04.1994 read with G.O.Ms.No.231, Fin & Plng. Department dated 16.10.1998. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that this court in similar facts and circumstances in W.P.No.12857 of 2004 dated 28.08.2018, following the judgment of Apex Court in *STATE OF KARNATAKA vs. U.UMA DEVI*¹ directed the respondents to consider the case of the petitioner therein for regularization, afresh. He further submits that the *lis* in the present writ petition is also covered by the judgment of the Apex Court in *NIHAL SINGH v. STATE OF PUNJAB*².

Sri G.Seena Kumar, learned Standing counsel for the respondents, does not dispute the above submission of the learned counsel for the petitioner.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel and the judgment of this court in W.P.No.12857 of 2004 dated 28.08.2018, writ petition is allowed and the

¹ (2006)4 SCC 1

² (2013)14 SCC 65.

impugned proceedings issued by the 1st respondent dated 1.10.2001, are set aside and the 1st respondent / competent authority, is directed to consider the case of the petitioner for regularization afresh in terms of the judgments of the Apex Court cited 1 and 2 supra and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVIL, J

DATE: 26—10—2018

AVS

