

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45529 of 2018

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus, declaring the action of respondents in not regularizing the services of the petitioners as per G.O.Ms.No.212, dated 22.04.1994 while regularising the services of the similarly situated NMRs as void, illegal, arbitrary, discriminatory and unconstitutional, and consequently direct the respondents to regularize the services of the petitioners as Lineman/Pump Operator/Tanker Driver in Water Supply Wing as per G.O.Ms.No.212, dated 22.04.1994, with effect from the date of completion of 5 years of service as NMRs under the control of the 4th respondent by taking into consideration of the orders of this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018.

Heard learned counsel for the parties.

It has been contended by the petitioners that they were appointed on NMR basis in the 4th respondent-Municipality on 01.09.1988 and they had completed 5 years and 5 months of service as on 25.11.1993 and are fully eligible and qualified to be regularized in terms of G.O.Ms.No.212, dated 22.04.1994. The grievance of the petitioners is that though they have completed more than 30 years of service, their cases are not being considered for regularization. Therefore, counsel for petitioners contend that appropriate orders be passed in the writ petition directing the 1st respondent to regularize the services of petitioners. Counsel for petitioners further contend that this Court, in similar circumstances, was pleased to dispose of W.P.No.39548 of 2018 on 02.11.2018, directing the respondents therein to regularize the services of petitioners therein by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation** {Civil Appeal No.6318

of 2015, dated 17.08.2015} and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018 and pass appropriate orders within a period of Eight weeks from the date of receipt of a copy of said order. Counsel for petitioners submits that the petitioners are also identically placed and contend that this writ petition be also disposed of directing the respondents to regularize the services of petitioners in terms of the orders passed in W.P.No.39548 of 2018, dated 02.11.2018.

The learned Government Pleader appearing for respondents contend that the cases of the petitioners will be considered in terms of G.O.Ms.No.212, dated 22.04.1994.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing respondent No.4 to submit fresh proposals for regularization of the services of petitioners, if the petitioners are continuously working as on today, to the 1st respondent within two weeks from the date of receipt of a copy of this order, and upon such proposals being received, the 1st respondent shall consider the same and pass appropriate orders, by duly taking into account the judgment of the Hon'ble Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation** {Civil Appeal No.6318 of 2015, dated 17.08.2015} and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018, within a period of Eight weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th December 2018

ajr