

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.43676 OF 2017

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in regularizing the services of the petitioner as Tracer with prospective effect i.e., from the date of issuance of orders vide G.O.Rt.No.322, Panchayat Raj and Rural Development (E.II.A) Department, dated 28.02.2008 as arbitrary and illegal and consequently, direct the respondents to regularize the services of the petitioner from the date of completion of five years of service with all consequential benefits.

Heard Sri G.Chandra Sekhara Rao and learned Government Pleader for Panchayat Raj and Rural Development appearing for respondents 1 to 3.

It is the case of the petitioner that he was initially appointed as NMR on 20.01.1987 against the clear vacancy in the office of the Superintending Engineer, RWS Circle, Khammam; that while so, the State Government issued G.O.Ms.No.212, dated 22.04.1994, whereunder a decision was taken to regularize the services of NMR/daily wage workers, who had completed five years of service as on 25.11.1993; that as the petitioner has fulfilled the conditions set out in the said

G.O., he is eligible for regularization in terms of the said G.O; that the respondents had not considered the case of the petitioner for regularization; that finally, after completion of continuous service of two decades, the respondents *vide* G.O.Rt.No.322, dated 28.2.2008 regularized the services of the petitioner with prospective effect i.e. from the date of issuance of G.O but not from the date on which he has completed five years of service. Hence, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the Division Bench of this Court while allowing W.P.No.41797 of 2015 on 6.3.2017 held that the petitioners therein were entitled to be regularized from the date on which they have completed five years of service. Learned counsel further submits that as the petitioner herein is similarly situated to that of the petitioners in W.P.No.41797 of 2015, a direction be issued to the respondents to regularize the services of the petitioner from the date of completion of five years of service.

Learned Government Pleader appearing for the respondents contends that the case of the petitioner was considered for regularization; that the petitioner cannot contend that his services should be regularized with

retrospective effect; and that the writ petition is devoid of merits and is liable to be dismissed.

I have considered the rival submissions made by the learned counsel on either side.

It appears that the petitioner is eligible and qualified to be regularized in terms of G.O.Ms.No.212, dated 22.04.1994. The petitioner has completed five years of service as on 25.11.1993 and therefore, he is entitled to be regularized from the date on which he has completed five years of service.

Therefore, the clause in G.O.Rt.No.322, dated 28.02.2008 to the extent “services of the petitioner is regularized with prospective effect” is set aside. The respondents are directed to regularize the services of the petitioner from the date of completion of five years of service in terms of G.O.Ms.No.212, dated 22.4.1994.

Accordingly, the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th January, 2018
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