

High Court for the State of Telangana

The Hon'ble The Acting Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A.Rajasheker Reddy

W.A. No. 281 of 2019

Date: 17-04-2019

Between:

The Telangana State Road Transport Corporation
(prior to bifurcation known as APSRTC)
Rep. by its Executive Director,
Hyderabad Zone, Hyderabad and 4 others

...Appellants

and

P. Srinivas

...Respondent

**Counsel for the appellants: Mr. N. Vasudeva Reddy
Rep. by Mr. N. Praveen Reddy**

Counsel for the respondent: Mr. G. Ravi Mohan

The Court made the following:

Judgment: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

The appellants, the Telangana State Road Transport Corporation (erstwhile APSRTC), is aggrieved by the order dated 13-11-2018, passed by a learned Single Judge in Writ Petition No.24267 of 2010, whereby the learned Single Judge has directed the Corporation *“to consider the case of the respondent-petitioner, for regularization of his service from the date of his initial appointment, and to pass appropriate orders within a period of four weeks from the date of receipt of a certified copy of the said order.”*

Briefly the facts of the case are that, the respondent-petitioner claims that the Corporation had issued a notification on 10-04-1992 for recruitment of backlog vacancies, which were reserved for SC and ST candidates. Since the respondent belongs to the SC community, he submitted his application for the post of Mechanic. By order dated 15-03-1993, he was duly appointed as a casual labourer for the post of Mechanic. However, his services were not regularized till 1997, whereas the services of his colleagues were regularized as far back as 1993. Therefore, he filed a representation before the Corporation seeking the relief that

his services too should be regularized from the date when the services of his other colleagues were regularized. Since the representation fell on deaf ears, the respondent, petitioner filed the writ petition before the learned Single Judge. As mentioned above, the learned Single Judge has allowed the writ petition in the aforementioned terms. Hence, this appeal before this Court.

Mr. N. Praveen Reddy, counsel representing Mr. N. Vasudeva Reddy, the learned counsel for the appellants, has raised the following contentions before this Court:-

Firstly, the notification, dated 10-04-1992, made it abundantly clear that appointment to the posts of Mechanics would be as daily wage workers. And the services would be regularized as and when substantive vacancies arise. Since a substantive vacancy for the post of Mechanic arose in the year 1997, the services of the respondent were regularized in that year.

Secondly, for the posts of Hammerman and Blacksmith, substantive vacancies had arisen in 1993. Therefore, the services of the persons working as Hammerman and Blacksmith were regularized in 1993. Hence, the case of the

respondent stands on a different footing altogether. Therefore, the learned Single Judge was unjustified in concluding that the services of the respondent would have to be regularized from the date on which the services of his other colleagues were regularized. Therefore, the impugned order deserves to be set aside by this Court.

On the other hand, Mr. G. Ravi Mohan, the learned counsel for the respondent, strenuously contended that the notification dated 10-04-1992 clearly states that “*the vacancies exist*”. Since the respondent was put through a regular selection process, his appointment was a regular one. As the services of the other colleagues of the respondent were regularized in 1993, while ignoring his claim for regularization, the learned Single Judge was justified in issuing the necessary direction. Therefore, the learned counsel has supported the impugned order.

Heard both the learned counsel for the parties, perused the impugned order, and considered the record submitted before this Court.

Merely because the word ‘vacancies’ had been used in the notification dated 10-04-1992, it does not mean that the vacancies were substantive in nature. Moreover, the notification itself clearly stated that the persons applying for the posts of Mechanics will be hired as “*daily wage workers*”. Therefore, it is amply clear that the petitioner was hired as a casual worker. Moreover, the notification clearly declared that it is only upon the availability of a substantive vacancy that the services would be regularized. Admittedly, for the post of Mechanic, no substantive vacancy had arisen till 1997. It is against such a vacancy that the services of the respondent were regularized. It is also an admitted fact that the substantive vacancies for the posts of Hammerman and Blacksmith had arisen in 1993. Therefore, obviously, the case of the respondent does not stand on the same footing as that of his colleagues, whose services were regularized in 1993. Hence, the learned Single Judge was not justified in directing the appellants to regularize the services of the respondent, petitioner, from the date on which the services of his colleagues were regularized.

For the reasons stated above, order dated 13-11-2018, in WP.No.24267 of 2010 is set aside. The Appeal is, accordingly, allowed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of.

(Raghvendra Singh Chauhan, ACJ)

(A.Rajasheker Reddy, J)

Dt: 17th April, 2019
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