

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.32756 of 2015

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue Writ of Mandamus declaring the letter No.P2/255(1)/2015-RM/WL, dated 06.02.2015 passed by the Regional Manager, Warangal, wherein the petitioner's regularisation date is shown as 02.04.1988 instead of 01.04.1988 duly ignoring the orders of the Divisional Manager, Warangal Division, which is contradictory, illegal, arbitrary and violation of service rules and regulations and consequently direct the Respondents to rectify the same and pass such other.....”

Heard Sri S.T.Prabhakar, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing counsel for respondents.

It has been contended by the petitioner that he was appointed as a Conductor on daily wage basis vide order dated 21.05.1987 in the selections held from 02.12.1986 to 05.12.1986. Petitioner further contends that the Divisional Manager, Warangal Division vide office order dated 16.04.1988 has regularised his services with effect from 01.04.1988 on a pay of Rs.455/- per month, after fulfilment of the terms and conditions laid down for regularisation of services i.e, after completion of 240 working days. Basing on the said orders, the Depot Manager, Hanmakonda, issued proceedings dated 22.04.1988, showing the names of the employees to be regularised. It is specifically stated in the said proceedings that the services of Casual Conductors of

Hanmakonda Depot, were regularised in terms of the orders dated 16.04.1988 and they were appointed as Conductors w.e.f 01.04.1988 in the Pay Scale of Rs.455-15-575-20-795. However, in the said proceedings at Sl.No.27, it was shown that petitioner had reported to duty on 02.04.1988.

Therefore, learned counsel for the petitioner contends that the action of the respondents in treating the date of regularisation of services of the petitioner as 02.04.1988, instead of 01.04.1988, is contrary to the original proceedings dated 16.04.1988 issued by the Divisional Manager, Warangal Division. Hence, the learned counsel contends that appropriate orders be passed in the writ petition directing the respondents to regularise the services of the petitioner w.e.f. 01.04.1988 in terms of the proceedings dated 16.04.1988 and consequently fix pay in Revised Pay Scales by issuing orders for payment of arrears of pay, to which the petitioner is legally entitled to.

Learned Standing counsel appearing for the respondents drawn attention of this Court to the counter affidavit filed by the respondents to the effect that the petitioner has accepted in the Option Form that his services can be regularised w.e.f. 02.04.1988 and having accepted in the Option Form and in the consequential proceedings, the petitioner cannot now seek regularisation of his services w.e.f. 01.04.1988. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that when the proceedings dated 22.04.1988 makes it abundantly clear that the services of various individuals, including that of the petitioner at Sl.No.27 in the said proceedings have been regularised w.e.f. 01.04.1988, the respondents cannot rely on the date of reporting to duty by the petitioner, because some individuals might have reported to duty earlier than others and the date of reporting to duty cannot be determined as the date of regularisation of services. Therefore, for all purposes, the respondents must treat the date of regularisation of the petitioner as 01.04.1988 but not as 02.04.1988.

For the above reasons, the writ petition is allowed and the proceedings dated 06.02.2015 passed by the Regional Manager, Warangal Region, are set aside. The respondents are directed to treat the date of regularisation of services of petitioner as 01.04.1988 and are further directed to release the increments with all consequential benefits by treating the date of regularisation of services of petitioner as 01.04.1988. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 29-07-2019
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