

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NOs.1882, 6404 & 7192 OF 2019

COMMON ORDER:

Since the issue raised in these writ petitions is one and the same, these writ petitions are being disposed of by way of this common order.

It has been contended by the petitioners that they are appointed as Assistant Statistical Officers on tenure basis with the respondents during 2008 and 2011 and, since then, they are discharging their duties to the best satisfaction of their superiors. The petitioners further contended that they were appointed on tenure basis and they are being re-engaged after discontinuing them for certain periods. The petitioners also submit that as and when there is work at Mandal level, the Tahsildar is engaging them on tenure basis and they are discharging the duties of Assistant Statistical Officer and are entitled for equal pay for equal work. The petitioners further submit that they are entitled for regularization of their services. Seeking equal pay for equal work and regularization of their services, the petitioners have filed the present writ petitions.

Learned counsel for the petitioners had contended that since the petitioners are continuing for more than one decade, they are entitled for equal pay for equal work and also regularization of their services in terms of the law laid down by the Honourable Supreme Court in **State of Karnataka v. Uma Devi**¹. Learned counsel for the petitioners further contended that appropriate orders be passed in these writ petitions directing the respondents to consider the cases of the petitioners for regularization of their services in terms of the law laid down by the Honourable Supreme Court in **Uma Devi**'s case referred supra.

¹ (2006) 4 SCC 1

Learned Government Pleader appearing for the respondents had contended that the petitioners were engaged as part time supervisors only for a limited period of 6 to 9 months and as and when there is work under PMFBY Scheme of Agriculture Department. It is also stated that the petitioners are not having requisite qualifications to hold the post of Assistant Statistical Officer, which is a zonal post, and the said post is liable to be filled up by Telangana Public Service Commission and that the Telangana Public Service Commission has already issued a recruitment notification inviting applications to fill up the vacant posts of Assistant Statistical Officer and the tenure of the petitioners, who were engaged on tenure basis, has come to an end by 28.01.2019 and they have no right to continue as Assistant Statistical Officers. Learned Government Pleader also contends that whenever a direct recruitee or regular employee is appointed, the temporary employee has no right and he/she has to make way for such regular employees. Learned Government Pleader further contends that when the petitioners are working on tenure basis, the moment their tenure comes to an end, their services would be automatically terminated and the question of their continuation beyond the time prescribed in their appointment orders cannot be considered and the petitioners are not entitled for equal pay for equal work and they are also not entitled for regularization of their services.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that these writ petitions can be disposed of directing the respondents to consider the cases of the petitioners for engaging them as Assistant Statistical Officers on tenure basis on the same terms and conditions as was done in the past, if there is requirement of work by the respondents. However, it is made clear

that the petitioners will continue on the same terms and conditions, as was done in the past, till the regular Assistant Statistical Officers are recruited, if there is work available with the respondents, and whenever regular Assistant Statistical Officers are recruited, the petitioners will vacate their posts.

With these observations, these writ petitions are disposed of. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

Dated: 4th April, 2019
v v

ABHINAND KUMAR SHAVILI, J

