

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11727 of 2017

ORDER:

Heard Sri D.Narsing Rao, learned counsel for the petitioner and the learned Government Pleader for Services-II. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....writ of mandamus directing the respondent to duly modify the G.O.Rt.No.526 PR & RD dt.02.08.2016 issued by the respondent with petitioner's regularization services with all consequential benefits with retrospective effect in terms of the laid laid down in Civil Appeal No.6318 of 2015 dt.17.08.2015 R/w. District Collector/Chairperson and other Vs. M.L.Sing and others reported in 2009(8) SCC 480 and the judgment dt.23.11.2012 in W.P.No.17477/2001 and pass such other order or orders.....”

It has been contended by the petitioner that he is a member belonging to scheduled caste community and initially appointed as a Part-time Farrash in the Mandal Parishad Development Office during September, 1979 and has been discharging his duties to the best satisfaction of his superiors and everyone concerned. The petitioner further contends that though he fulfils all the conditions as set out in G.O.Ms.No.212 dt.22.04.1994, the respondents have not considered his case for regularisation of services. Finally, the respondents have regularised the services of the petitioner vide G.O.Rt.No.519 dt.27.07.2016, however, with prospective effect instead of retrospective effect.

Learned counsel for the petitioner contends that when similar issue fell for consideration, the Hon'ble Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation** in Civil Appeal No.6318 of 2015 dt.17.08.2015 held that the daily wage employees are entitled for regularization of their services from the date of their initial appointment with retrospective effect. Therefore, learned counsel contends that appropriate orders be passed in the writ petition directing the respondents to regularise the services of the petitioner with retrospective effect, i.e., from the date of completion of five years of service in terms of G.O.Ms.No.212, dt.22.04.1994.

Learned Government Pleader appearing for the respondents has not disputed the submission of the learned counsel for the petitioner, but contends that if petitioner submits a representation ventilating his grievance, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to make a representation staking his claim for regularisation of services in terms of the law laid down by the Hon'ble Supreme Court in **B.Srinivasulu's** case (1 supra) in Civil Appeal No.6318 of 2015 dt.17.08.2015 within two weeks from the date of receipt of a copy of this order, and upon receipt of such representation, the respondents shall

consider the same and pass appropriate orders in another six weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 22-11-2019
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