

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5839 of 2017

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not regularizing the petitioners' services in terms of G.O.Ms.No.212, dated 22-04-1994, with retrospective effect from the date of completion of five years, as per the 5th respondent's proposals, sent vide Letter No.C1/2010, dated 25-09-2010, and in terms of orders of the Supreme Court passed in Civil Appeal No.6318/2015, dated 17-08-2015 as it was done in the case of other NMRs vide G.O.Ms.No 533, dated 29-11-2011, as illegal, arbitrary and violative of the principles of natural justice and also discriminatory in nature and sought consequential direction to the respondents to regularize the services of the petitioners.

3. Heard Sri P.Raghavender Reddy, learned counsel for the petitioners, learned Government Pleader for Services-III, appearing for respondent Nos.1 to 3 and Sri L.Diwakar Reddy, learned Standing Counsel appearing for respondent Nos.4 and 5.

4. The petitioners contend that they were initially appointed as NMR workers during the year 1986-88 and they are fully eligible and qualified to be regularized in terms of G.O.Ms.No.212, dated 22-04-1994. They further contend that they have made a

representation to respondent Nos.4 and 5, and in-turn, they have recommended their cases to respondent Nos.1 to 3 on 25-09-2010. But the respondent Nos.1 to 3 have not considered their cases without taking into account the law laid down by the supreme Court in **B.Srinivasulu and others Vs. The Nellore Municipal Corporation, Rep. by its Commissioner, Nellore District, Andhara Pradesh and others**¹ and the G.Os. referred to above.

5. Learned Government Pleader for Services-III, appearing for respondent Nos.1 to 3, submits that appropriate orders would be passed by respondent Nos.1 to 3 on the proposals sent by the respondent Nos.4 and 5.

6. Learned Standing Counsel appearing for respondent Nos.4 and 5 contends that the petitioners are not entitled for regularization of their services. Earlier, petitioners have filed O.A.No.1751 of 2001 and the said O.A. was allowed. Aggrieved by the said orders, the then Municipality has filed the Writ Petition and the same was partly allowed with a direction that the persons, who were appointed prior to 1988 alone, are entitled for consideration, but the persons, who were appointed after 1988, are not entitled for consideration. Therefore, the cases of the petitioners cannot be considered.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that admittedly, respondents have not passed any individual orders to the effect that

¹ Civil Appeal No.6318 of 2015

whether the petitioners are entitled for regularization of their services or not. Unless and until some speaking orders are passed by considering the cases of the petitioners, the contention of the learned Standing Counsel for respondent Nos.4 and 5 that the petitioners are not entitled for regularization cannot be sustained. If the petitioners are not entitled for regularization of their services, the respondents can reject their cases by passing speaking order.

8. Therefore, I am of the considered opinion that the Writ Petition can be disposed of directing the petitioners to submit fresh representation to respondent Nos.1 to 3 within two weeks from the date of receipt of a copy of this order and upon such representation being filed, respondent Nos.1 to 3 shall consider the same and pass appropriate orders by duly taking into account the G.Os. referred to above and the law laid down by the Supreme Court in **B.Srinivasulu's case** (supra cited) in another four weeks thereafter.

9. With the above observations, the Writ Petition is disposed of. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 22-04-2019
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