

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) NO.2070 OF 2017

ORDER:

This Writ Petition is filed seeking a declaration that the impugned action of the respondents in not counting the services of the petitioners from the date of their initial appointment as Civil Assistant Surgeon on honorarium basis to that of their regular appointment for granting eight years and sixteen years of scales under automatic advancement scheme and also for not counting the said service as qualifying service for calculating the pension as arbitrary, illegal and discriminatory and violative of the Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to hold that the petitioners are entitled for counting the service rendered by them from the date of their initial appointment for granting eight years and six years of scales under automatic advancement scheme and also for counting the said service as qualifying service for calculating the pension and other service benefits.

Heard Mr. P. Veerabhadra Reddy, the learned counsel for the petitioners and the learned Government Pleader for Medical and Health.

It has been contended by the learned counsel for the petitioners that all the petitioners are appointed as Assistant Civil Surgeons on daily honorarium basis with the respondents during 1986-87 and their services were regularised during the year 1999. The grievance of the petitioners is that the services rendered by the petitioners prior to 1999 are not being counted for the purpose of

service benefits, pensionary benefits and increments of eight years and sixteen years of scales.

It is, however, submitted that similar issue fell for consideration in O.A.No.9017 of 2008 and the Hon'ble Tribunal passed order dated 16.03.2011 and, against the said order, a Division Bench of this Court was pleased to allow a batch of Writ Petitions in W.P.No.20691 of 2012 and batch on 20.11.2018 confirming the orders passed by the Tribunal.

Learned counsel for the petitioners contended that since the issue raised by the petitioners is squarely covered by the judgment rendered by this Court in W.P.No.20691 of 2012 and batch dated 20.11.2018, wherein this Court confirmed the orders passed by the Tribunal in favour of the applicants therein, and as the petitioners are also similarly situated, appropriate directions be issued to the respondents to consider the case of the petitioners for counting the services rendered by the petitioners from the date of their initial appointment as Civil Assistant Surgeon on honorarium basis to the date of their regular appointment for granting eight years and sixteen years of scales under automatic advancement scheme and also for counting the said service as qualifying service for calculating the pension and other service benefits.

Learned Government Pleader appearing for the respondents has also not denied about the said fact and contended that the case of the petitioners would be examined in accordance with the Rules and appropriate orders would be passed by duly taking into account the orders rendered by the Division Bench of this Court in W.P.No.20691 of 2012 and batch dated 20.11.2018.

Having considered the rival submissions, this Court is of the considered view to dispose of the Writ Petition by directing the respondents to consider the cases of the petitioners for counting their services from the date of their initial appointment as Civil Assistant Surgeon on honorarium basis to that of their regular appointment for granting eight years and sixteen years of scales under automatic advancement scheme and also for counting the said service as qualifying service for calculating the pension and other service benefits as done in the case of the applicants in O.A.No.9017 of 2008 dated 16.03.2011, as confirmed by the Division Bench of this Court in W.P.No.20691 of 2012 and batch dated 20.11.2018 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

With these observations, this Writ Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

8th April 2019
RRB