

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12823 OF 2019

ORDER

With the consent of learned counsel on either side, this writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief:

“to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction by declaring the proceedings of the 1st respondent bearing G.O.Ms.No.01, Animal Husbandry Dairy Development and Fisheries (AH) Department, dt 10.01.2017 and consequential proceedings of the 2nd respondent bearing Memo Roc.No.2070/BIV/B8/2016, dt 12.01.2017 in so far as it relates to regularizing the services of the petitioner with prospective effect instead of retrospective effect i.e., from the date of appointing the petitioner in A.P Last Grade Services *vide* proceedings bearing Roc.No.2346/B/2004, dt 06.10.2005 as illegal, arbitrary and unconstitutional being violative of Articles 14 and 16 of Constitution of India and consequently direct the respondents to consider the case of the petitioner to regularize the services of the petitioner with retrospective effect i.e., from the date of appointing the petitioner in A.P Last Grade Services i.e., 06.10.2005 with all consequential benefits and to such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri S.Gopal Rao, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he was appointed on compassionate grounds in the Last Grade Service on 06.10.2005. Subsequently, his services were regularized *vide* G.O.Ms.No.1, dated 10.01.2017. Thereafter, the 2nd respondent issued consequential proceedings dated 12.01.2017 regularizing the services of the petitioner prospectively, but not retrospectively. Therefore, he submitted a representation to the respondents on 15.04.2019 to consider his case for retrospective regularization. But, so far, no action has been taken thereon. Hence, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that when once the petitioner was appointed on compassionate grounds, in all fairness, the respondents ought to have regularized his services from the date of his initial appointment i.e., on 06.10.2005; that due to administrative reasons, the petitioner's services were regularized belatedly after 12 years *vide* G.O.Ms.No.1, dated 10.01.2017; and that appropriate orders be passed directing the respondents to consider the representation submitted by the petitioner on 15.04.2019.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered and appropriate orders would be passed on the

representation submitted by the petitioner, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the representation dated 15.04.2019 and pass appropriate orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th June, 2019
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