

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13791 of 2019

ORDER:

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

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus to declare the action of the respondents in not following the seniority in regularizing the services of the daily wage employees within the same district under their control and regularizing the services of juniors 8 years before regularization of services of seniors who are petitioners herein and causing great injustice to the petitioners without following the rules and seniority in the appointment of daily wages as highly illegal, unconstitutional, unjust, unfair, discriminatory and totally arbitrary and prays to direct the respondents herein to re-regularize the services of the petitioners from the date of regularization of their service on completion of 5 years service on completion of 5 years service on daily wages as per principle laid by Hon'ble Supreme Court in B.Srinivasulu v/s. The Nellore Municipal Corporation, Nellore District, Andhra Pradesh, with retrospective effect by granting all consequential monetary benefits including seniority and arrears of pay and also award exorbitant cost against 4th and 5th respondents in not following any due procedure of law to regularize the services of the petitioners as per seniority on daily wages and pass such order.....”

Heard Sri Ch.Ganesh, learned counsel for the petitioners and learned Government Pleaders for Social Welfare and Finance and Planning.

It has been contended by the petitioners that they were initially appointed as daily wage workers during 1985-1987 and after rendering considerable length of service, their services were regularized vide G.O.Rt.No.258, Social Welfare (TW.EDN.1) Department, dated 18.05.1998. The grievance of the petitioners is that though their services were regularized vide G.O.Rt.No.258 dated 18.05.1998, the same is not considered from the date of completion of 5 years of service of their initial appointment.

Learned counsel for the petitioners contends that the issue raised in this writ petition is squarely covered by the judgment of the Hon'ble Supreme Court in Civil Appeal No.6318 of 2015 (arising out of SLP(C) No.12432/2014) dt.17.08.2015 in ***B.Srinivasulu vs. Nellore Municipal Corporation***. He further contends that admittedly petitioners have completed 5 years of service before cut off date i.e. 23.11.1996 and fulfilled all the conditions set out in G.O.Ms.No.212, dt.22.04.1994. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for regularization of their services strictly in terms of G.O.Ms.No.212 dt.22.04.1994 by duly taking into account the judgment rendered by the Hon'ble Supreme Court in ***B.Srinivasulu's*** case (supra).

Learned Government Pleaders appearing for the respondents contend that let the petitioners submit a representation to the respondents seeking regularization of their

services strictly in terms of G.O.Ms.No.212, dt.22.04.1994 and the judgment rendered by the Hon'ble Supreme Court in **B.Srinivasulu's** case, then the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having regard to the rival submissions made by the parties, is of the considered view that the writ petition can be disposed of directing the petitioners to submit a representation to the respondents seeking regularization of their services and on such representation being made, the respondents shall consider the same strictly in terms of G.O.Ms.No.212, dt.22.04.1994 and also by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **B.Srinivasulu's** case (supra) and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of copy of this order.

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

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

ABHINAND KUMAR SHAVILI, J

08.07.2019
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