

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16414 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner by keeping the matter pending in the guise of the correspondence of 3rd respondent vide proceedings Rc.No.252/A4/2019 dated 04.02.2019 without extending the benefit given to the similarly situated person in W.P.(TR).No.5110 of 2017, dated 10.08.2018 as arbitrary, bad and illegal and violation of the principles of natural justice and Article 14 and 300-A of the Constitution of India and consequently hold that the petitioner is entitled to have his services regularized with all consequential benefits, pay, arrears of pay, increments on the analogy of the order passed in WP(TR).No.5110 of 2017 dated 10.08.2018.....”

Heard Ms.Jurispath, learned counsel for the petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that he was appointed as a part time employee in the Government Junior College, Mothkur, Nalgonda District on 01.09.1986 on consolidated pay of Rs.75/- per month and has been discharging his duties to the best satisfaction of his superiors and everyone concerned. The grievance of the petitioner is that the college authorities vide proceedings dated 13.11.1996 informed the petitioner that he is not eligible to draw the increments and is only entitled to draw a consolidated pay in pursuance of his

representation requesting to release the annual grade increments as per G.O.Ms.No.212 dated 22.04.1994. Against the said proceedings petitioner along with one N.Bixapathy filed O.A.No.6988 of 1996 and the Tribunal vide order dated 14.09.1999 allowed the said O.A directing the respondents to regularize the services of N.Bixapathy. Thereafter, the State has carried the matter to this Court by way of filing W.P.No.16029 of 2000 and this Court vide order dated 19.07.2010 upheld the orders passed by the Tribunal. But the respondents failed to comply with the orders passed by the Tribunal. In the meantime, N.Bixapathy retired from service on 31.01.2015 and filed O.A.No.6260 of 2015 before the Tribunal seeking regularization of his services in terms of the orders passed in O.A.No.6988 of 1996, which was confirmed by this Court in W.P.No.16029 of 2000. The Tribunal on 13.11.2015 granted interim order directing the respondents to regularize the services of N.Bixapathy and fix the pay accordingly in terms of the Memo dated 12.12.2014 and proceedings dated 07.04.2015. During the pendency of the said O.A., the Tribunal was wound up and the said O.A. was transferred to this Court and numbered as WP(TR).No.5110 of 2017 and this Court vide order dated 10.08.2018 allowed the said writ petition directing the respondents to regularize the services of N.Bixapathy and in pursuance of the orders passed by this Court, the services of N.Bixapathy were regularized. The petitioner further submits that he had submitted a representation on 16.01.2019 requesting the respondents to regularize his services as was done in the case of N.Bixapathy. But, so far the

respondents have not passed any orders on the representation of the petitioner either considering or rejecting his case.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 16.01.2019 and pass appropriate orders duly taking into account the orders passed in WP(TR).No.5110 of 2017 dated 10.08.2018.

Learned Government Pleader appearing for the respondents contends that the case of the petitioner would be considered and appropriate orders would be passed on the representation submitted by the petitioner on 16.01.2019.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 16.01.2018 and pass appropriate orders in accordance with law in terms of the orders passed by this Court in WP(TR).No.5110 of 2017 dated 10.08.2018, within a period of eight weeks from the date of receipt of copy of this order.

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

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

ABHINAND KUMAR SHAVILI, J

02.08.2019
dv