

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17330 OF 2019

ORDER:

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a writ of Mandamus, declaring the action of the respondents in not regularizing the services of the petitioners retrospectively from the date of completion of five years of service as per G.O.Ms.No.212, dated 22.04.1994, in Khammam Municipal Corporation for the purposes of pay and all consequential benefits as illegal, arbitrary, unjustified, violative of Articles 14, 16 and 21 of Constitution of India and contrary to the orders of this Court and the Hon'ble Supreme Court concerning and sought a consequential direction to the respondents to count the temporary service rendered by the petitioners from the date of completion of five years cut off date i.e., 25.11.1993 for the purpose of counting the qualifying service for fixation of pay and all other consequential benefits.

Heard Sri K. Sarath, counsel for the petitioners, Government Pleader for Services-III appearing for respondent Nos.1 and 2 and Sri N.Ramulu, Standing Counsel for respondent No.3.

It has been contended by the petitioners that they were all appointed on daily wage basis during 1986 to 1988 and have fulfilled the conditions of G.O.Ms.No.212 dated 22.04.1994, but the

respondents have not regularized their services in terms of the said G.O. The grievance of the petitioners is that though they are entitled for regularization of their services in terms of G.O.Ms.No.212 dated 22.04.1994, their services were regularized prospectively only with effect from May and June, 2002.

Counsel for the petitioners submits that similar issue fell for consideration before the Hon'ble Supreme Court in **B. Srinivasulu v. Nellore Municipal Corporation** in Civil Appeal No.6318 of 2015 and the same was disposed of vide orders dated 17.08.2015 holding that the petitioners therein are entitled for regularization of their services from the date of completion of five years in accordance with G.O.Ms.No.212 dated 22.04.1994. Counsel for the petitioners further submits that the petitioners herein are similarly situated to that of the petitioners in the above referred judgment of the Hon'ble Supreme Court, and to that effect, the petitioners have submitted representations to the respondents on 14.05.2019, but so far the respondents have not passed any orders on the said representations nor regularized the services of the petitioners in terms of G.O.Ms.No.212 dated 22.04.1994 i.e., from the date on which the petitioners have completed five years of service. Therefore, counsel for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioners for regularization of their services with retrospective effect by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **B. Srinivasulu's** case referred supra.

Government Pleader as well as Standing Counsel contended that the case of the petitioners would be considered in terms of the law laid down by the Hon'ble Supreme Court in **B. Srinivasulu's** case referred supra and appropriate orders would be passed on the representations submitted by the petitioners.

This Court, having considered the submissions of learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioners on 14.05.2019 by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **B. Srinivasulu's** case referred supra and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J