

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18516 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

2. This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner w.e.f. the date of completion of five years of service from the cut-off date prescribed as per G.O.Ms.No.212, dated 22.04.1994, as void, illegal, arbitrary and discriminatory and sought consequential direction to direct the respondents to regularize the services of the petitioner w.e.f. the date of completion of five years of service from the cut-off date prescribed in G.O.Ms.No.212, dated 22.04.1994, as Junior Assistant, by taking into consideration of the orders passed in W.P.No.33936 of 2011 and batch, dated 02.05.2018, as well as W.P.No.45552 of 2018, dated 15.12.2018.

3. Heard Mr. Raj Kumar Rudra, learned counsel for the petitioner and Sri L.Prabhakar Reddy, learned Standing Counsel appearing for respondent No.2.

4. It has been contended by the petitioner that he was initially appointed as NMR worker in the 2nd respondent Corporation on 02.11.1985 and he has been discharging his duties to the satisfaction of his superiors and every one concerned. The petitioner further

contends that while he was discharging his duties as NMR Worker, the State Government has issued G.O.Ms.No.212, dated 22.04.1994, wherein the State has taken a decision to regularize all NMR workers, who have put in minimum five years of service as on 25.11.1993. But, the case of the petitioner was not considered, even though he has completed more than five years of service as on the cut-off date prescribed in G.O.Ms.No.212, dated 22.04.1994.

5. Learned counsel for the petitioner submits that when the case of the petitioner was not considered for regularization of his services in terms of G.O.Ms.No.212, dated 22.04.1994, he filed W.P.No.2233 of 1996 before this Court and this Court while disposing of the said writ petition on 04.10.1996, directed the respondents to take appropriate decision in respect of regularization of the services of the petitioner and pursuant to the orders passed by this Court, the respondents have considered the case of the petitioner and regularized the services of the petitioner as Junior Assistant with effect from 13.09.1996. He further submits that the petitioner is entitled to be considered for regularization from the cut-off date i.e., on 25.11.1993, as set out in G.O.Ms.No.212, dated 22.04.1994. But, the respondents have not regularized the services in terms of the said G.O. He further submits that similar issue was considered by the Division Bench of this Court in W.P.No.33936 of 2011 and batch of cases and this Court was pleased to dispose of the above said batch of cases, vide orders, dated 02.05.1998, and directed the authorities concerned to extend the

benefit to the employees, who have completed five years of services as on cut-off date as prescribed in G.O.Ms.No.212, dated 22.04.1994, and by following the judgment rendered by the Hon'ble Supreme Court in Civil Appeal No.6318 of 2015, dated 17.08.2015, and pursuant to the orders passed by the Hon'ble Supreme Court as well as Division Bench of this Court, the petitioner is entitled to be regularized as Junior Assistant with effect from 25.11.1993 in terms of G.O.Ms.No.212, dated 22.04.1994 and, therefore, appropriate orders be passed directing the respondents to regularize the services of the petitioner from the cut-off date i.e., on 25.11.1993 in terms of G.O.Ms.No.212, dated 22.04.1994 with all consequential benefits.

6. Learned Standing Counsel appearing for respondent No.2 had contended that the services of the petitioner were regularized way back on 13.09.1996 and for all these years he has not raised any issue about retrospective regularization and it is only when the judgment rendered by the Hon'ble Supreme Court and also Division Bench of this Court, he approached this Court belatedly and only on this ground the writ petition is liable to be dismissed. There are no merits in the writ petition and it is liable to be dismissed.

7. This Court, having considered the rival submissions made by the both parties, is of the considered view that the issue involved in the present writ petition is squarely covered by the judgment rendered by the Division Bench of this Court in W.P.No.33936 of 2011 and batch of cases, dated 02.05.2018, wherein the issue of delay has

already been considered, directed the respondents therein to consider the cases of the petitioners for retrospective regularization i.e., on completion of five years of service strictly in terms of G.O.Ms.No.212, dated 22.04.1994. Therefore, this Court is of the considered view that the writ petition can be allowed directing the respondents to regularize the services of the petitioner from the cut-off date as set out in G.O.Ms.No.212, dated 22.04.1994 with all consequential benefits.

8. With the above direction, the writ petition is allowed.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

16th October 2019

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ABHINAND KUMAR SHAVILI, J

