

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26583 of 2019

ORDER:

Heard Sri T.V.Kalyan Singh, learned counsel for the petitioners, learned Government Pleader for Services-III and Sri N.Ramu, learned Standing counsel for 2nd respondent-Corporation. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the action of 2nd respondent in taking action in pursuance of the orders passed by the Hon'ble Tribunal in O.A.No.6089 of 1999 and O.A.No.9661 of 2008 in regularization of services of the petitioners and not extending the regular pay scale to the petitioners on par with other NMR Workers discharging the same type of duties, as illegal, arbitrary and violative of Art.14 and 21 of Constitution of India and contrary to the law laid down by the Hon'ble Supreme Court in 2006 (4) SCC, pg.1, 2009(5) ALD pg.58 and law laid down by this Hon'ble Court in 2018 (2) ALD pg.282 and hold that the petitioners are entitled to regularization of their services on completion of (5) years of service and also entitled to regular pay scale on par with other NMR Workers discharging the same type of duties with all consequential benefits and pass such other order or orders”

It has been contended by the petitioners that they are working with the 2nd respondent as Nominal Muster Roll (NMR) workers for the last 25 years and they have completed 5 years of service as on the cut off date as per

G.O.Ms.No.212, dt.22.04.1994 and are entitled for regularisation of their services. The petitioners further contend that since their cases are not considered for regularisation, they have filed O.A.No.6089 of 1999 before the then A.P.Administrative Tribunal and the Tribunal vide order dt.20.06.2007 disposed of the said O.A. with the following observations:

“.....the respondents are directed to consider the case of the applicants for regularization under G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1994 after the Hon’ble Supreme Court delivered the judgment with respect to the completion of Five years from the date of appointment. After the disposal of the cases before the Apex Court, the respondents are directed to pass appropriate orders with respect to the regularization of services of the applicants in accordance with law laid down by the Hon’ble Supreme Court. Till then, the respondents are directed to maintain status quo of the applicants.”

Learned counsel for the petitioners contends that though the Tribunal vide order dt.20.06.2007 in O.A.No.6089 of 1999 directed the respondents to consider the cases of petitioners for regularization under G.O.Ms.No.212, dt.22.04.1994, the respondents have not considered their cases whereas this Court in case of similarly situated NMR workers was pleased to adjudicate the matter in their favour. Therefore, learned counsel contends that appropriate orders be passed directing the respondents to consider the cases of petitioners for regularization in terms of law laid down by the Hon’ble

Supreme Court in ***State of Karnataka and Ors vs. Umadevi***¹ and also taking into account the fact that the petitioners have rendered more than 25 years of service.

Learned Standing counsel appearing for the respondents contends that case of the petitioners would be examined and appropriate orders would be passed in accordance with law within a reasonable period of time.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the cases of the petitioners for regularization in terms of the law laid down by the Hon'ble Supreme Court in ***State of Karnataka and Ors vs. Umadevi*** referred supra and ***Manjula Bashini v. The Managing Director, A.P.Women's Cooperative Finance Ltd***² 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 observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 02-12-2019
dv

¹ 2006 (4) SCC (1)

² 2009 (5) ALD 58

