

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25900 of 2012

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in regularising the services of the petitioners as Drivers with effect from 09.03.2005 instead of 30.10.2002 i.e., from the date of their colleague drivers services were regularised, as illegal, arbitrary, discriminatory and contrary to Articles 14, 16 and 39(d) of the Constitution of India and consequently sought a direction to the respondents to treat the effective date of the petitioners' regularisation of services as 30.10.2002 instead of 09.03.2005 for all practical purposes, including seniority and promotion and extend all the benefits including payment of arrears.

The case of the petitioners is that they were initially appointed as Drivers in the respondent – Corporation and on completion of 240 days of service, the 2nd respondent was pleased to regularise the services of some of the drivers, who were recruited along with the petitioners with effect from 30.10.2002, vide Office Order dated 30.10.2002. But the services of the petitioners were not regularised on completion of 240 days with effect from 30.10.2002 and their services were regularised with effect from 09.03.2005. Aggrieved by the said action of the respondents, the petitioners have filed the present writ petition.

Heard Sri Jithender Rao Veeramalla, learned counsel for the petitioners and Sri V. Ravi Babu, learned Standing Counsel for the respondents – Corporation.

Learned counsel for the petitioners submits that since the services of some of the drivers, who were recruited along with the petitioners, were regularised on completion of 240 days with effect from 30.10.2002, in all fairness, the respondents ought to have regularised the services of the petitioners with effect from 30.10.2002, instead of 09.03.2005. The learned counsel, therefore, submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioners for regularisation of their services with effect from 30.10.2002, instead of 09.03.2005.

On the other hand, the learned Standing Counsel for the respondents – Corporation relied upon a judgment of the Hon'ble Supreme Court in DIVISIONAL MANAGER, APSRTC v. P. LAKSHMOJI RAO¹, wherein it was held that if the services of a junior to the applicant are regularised, the benefit of such regularisation with effect from the date of regularisation of services on par with the junior would be considered and appropriate orders would be passed. The learned Standing Counsel, however, contends that the petitioners have approached this Hon'ble Court with an inordinate delay of more

¹ (2004) 2 SCC 433

than six years and on this ground alone, the writ petition is liable to be dismissed.

Having considered the rival submissions of the learned counsel for the respective parties, this Court is of the considered view that when the petitioners are similarly situated with those drivers, who were recruited along with the petitioners and whose services were regularised with effect from 30.10.2002, in all fairness, the respondents ought to have regularised the services of the petitioners with effect from 30.10.2002, instead of 09.03.2005.

Therefore, this writ petition can be disposed of directing the respondents to consider the case of the petitioners for regularisation of their services as Drivers with effect from 30.10.2002 instead of 09.03.2005, as was done in the case of other drivers who were recruited along with the petitioners, and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22.02.2019.
Msr

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