

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.730 OF 2020

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 petitioner retrospectively from the date of completion of five years in service as per G.O.Ms.No.212 Finance & Planning dated 22.04.1994 in Panchayat Raj Department for the purposes of pay and all consequential benefits inspite of representation made by the petitioner on 13.10.2018 as illegal, arbitrary, unjustified, violative of Articles 14, 16 and 21 of Constitution of India and contrary to the orders of this Court and Hon'ble Supreme Court concerned 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 petitioner, Government Pleader for Services-II appearing for respondent Nos.1 and 2 and the learned Standing counsel for respondent No.3.

It has been contended by the petitioner that he was appointed on daily wage on 01.09.1987 and have fulfilled the conditions of G.O.Ms.No.212 dated 22.04.1994, but the

respondents have not regularized his services in terms of the said G.O. The grievance of the petitioner is that though he is entitled for regularization of his services in terms of G.O.Ms.No.212 dated 22.04.1994, his services were regularized prospectively only with effect from 26.06.1997.

Counsel for the petitioner 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 petitioner further submits that the petitioner herein is similarly situated to that of the petitioners in the above referred judgment of the Hon'ble Supreme Court, and to that effect, the petitioner have submitted representation to the respondents on 13.10.2018, but so far the respondents have not passed any orders on the said representation nor regularized the services of the petitioner in terms of G.O.Ms.No.212 dated 22.04.1994 i.e., from the date on which the petitioner had completed five years of service. Therefore, counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for regularization of his 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 petitioner 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 representation submitted by the petitioner.

This Court, having considered the submissions of the learned counsel for the parties, 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 13.10.2018 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 direction, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 10-01-2020
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