HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY ,THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 15702 OF 2020

Between:

1. M. Nageshwar Rao, S/o. Kondaiah, aged about 56 years, Fitter(ITI), R/o. Flat No.104, Sharanya Green Homes Appts., Near Nandipadu By-pass, Miryalaguda, Nalgonda District.
2. A.Venkateshwarlu, S/o. Chennaiah, aged about 54 years, Helper, R/o. Munagala village and Mandal,5 Nalgonda District. (Now Suryapet District
3. M. Krishnaiah, S/o. Gopaiah, aged about 52 years, Man Mazdoor, R/o Munagala village and Mandal, Nalgonda District. (Now Suryapet District
4. K.Satyanarayana, S/o Narayana aged about 57 Years, Helper, R/o Munagala Village and Mandal, Nalgonda District. (Now Suryapet District)
5. A.Rangaiah, S/o. Chandraiah, aged about 51 years Helper, C/o. A. Srinivasa Rao, H.No.4-138-1-1, Bhavani Nagar, Kodada, Nalgonda District. (Now Suryapet District)
6. H.Subrahmanyam, S/o. Sastry, aged about 53 years, Watchman, R/o. Nandipad village, Miryalaguda mandal, Nalgonda district.
7. D. Nageshwar Rao, S/o. Bushaiah, aged About 54 years, Helper (ITI), R/o. Mungala Village and Mandal, Nalgonda District. (Now Suryapet District)
8. A.Srinivasa Rao, S/o. Gandhi, aged about 54 years, Helper (ITI), R/o. Munagala village and mandal, Nalgonda district. (Now Suryapet District)
9. Bandla Hussain, S/o Saidaiah, aged 52 years, Occ Work Inspector, R/o. Aacheryula Gudem, Bathol (M), Nalgonda District, (Now Suryapet District
10. Shaik Jamaal Shareef, S/o. Shaik Yousuf Shareef, ala 52 Years, Helper,Miryalaguda Circle, Tekulapally Division, Khammam District

...PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary, Irrigation & CAD Department, Secretariat Buildings, Hyderabad-500022
2. The Engineer-in-Chief, Irrigation & CAD Department, Erramanzil, State of Telangana, Hyderabad-500 082.
3. The Chief Engineer, N.S.L.C. Project, Hill Colony, Nagarjunasagar, Nalgonda District.
4. The Superintending Engineer, NS.L.B.C. O & M Circle, Miryalaguda, Nalgonda District
5. The Superintending Engineer, NS.Dam Circle Hill Colony, Nagarjunasagar Nalgonda District.
6. The Executive Engineer, NS.L.C. Division, Miryalaguda, Nalgonda District.
7. The State of Telangana, rep. by its Principal Secretary, Finance and Planning Department, Secretariat Buildings, Hyderabad-500022.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction by declaring the action of the respondents in not considering the cases of

the petitioners for regularization of their services as per G.O.Ms.No.143, Irrigation (Ser.V) Department, dt. 16-03-84, notionally on completion of 5 years of service, as was done in case of similarly placed persons, as illegal, arbitrary and unconstitutional being violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to consider the case of the petitioners for regularization of their services as per G.O.Ms.No.143, Irrigation (Ser.V) Department, dt. 16-03-84, notionally on completion of 5 years of service, as well as the Judgments of this Honble Court and Honble Supreme Court, with all consequential benefits.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the cases of the petitioners for regularization of their services as per G.O.Ms.No.143, Irrigation (Ser.V) Department, dt. 16-03-84, on completion of 5 years of service, as well as the Judgments of this Honble Court and Honble Supreme Court, by passing orders on the representations of the petitioners, the latest being 04-04-2018, pending final disposal of the main W.P.

Counsel for the Petitioners:SRI. A K JAYAPRAKASH RAO

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15702 of 2020

ORDER:

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

This writ petition is filed seeking the following relief:

> "...to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction by declaring the action of the respondents in not considering the case of the petitioners for regularization of their services as per G.O.Ms.No.143, Irrigation (Ser.V) Department, dt.16.03.84, notionally on completion of 5 years of service, as was done in case of similarly placed persons, as illegal, arbitrary and unconstitutional being violative of Articles 14, 16 & 21 of Constitution of India and consequently direct the respondents to consider the cases of the petitioners for regularization of their services as per G.O.Ms.No.143, Irrigation (Ser.V) Department, dt.16.03.84, notionally on completion of 5 years of service, as well as the Judgments of this Hon'ble Court and Hon'ble Supreme Court, with all consequential benefits, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard Sri A.K.Jayaprakash Rao, counsel for the petitioners, and the Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioners that since 1983, they are working as Fitter, Helper, Watchman, Man Mazdoor and Work Inspector, with the respondents. The grievance of the petitioners is that though they are working since 1983, the respondents are not

considering their case for regularization of their services The petitioners have submitted a detailed representation to the respondents on 04.04.2018 requesting them to regularize their services in terms of the judgment of the Hon'ble Supreme Court in **State of Karnataka** v. **Umadevi**[1], but so far the respondents have not passed any orders on the said representation.

Counsel for the petitioners contended that, in fact, respondent No.4 has recommended the case of the petitioners in terms of G.O.Ms.No.143 dated 16.03.1984, but thereafter no orders are being passed on the recommendations made by respondent No.4. Therefore, counsel for the petitioners contended that appropriate orders be passed in the writ petition directing respondent No.1 to consider the recommendations made by respondent No.4 and pass appropriate orders in accordance with law.

Government Pleader appearing for the respondents contended that the respondents would consider the case of the petitioners and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the counsel for respective parties, this Court is of the considered view that this writ petition can be disposed of directing respondent No.1 to consider the recommendations made by respondent No.4 and pass appropriate orders in accordance with law, and also the respondents to pass appropriate orders on the representation submitted by the petitioners

[1] (2006) 4 SCC 1

on 04.04.2018 within a reasonable period of time, preferably within three months from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Irrigation and CAD Department, State of Telangana, Secretariat Buildings, Hyderabad-500022
2. The Engineer-in-Chief, Irrigation and CAD Department, Erramanzil, State of Telangana, Hyderabad-500 082.
3. The Chief Engineer, N.S.L.C. Project, Hill Colony, Nagarjunasagar, Nalgonda District.
4. The Superintending Engineer, NS.L.B.C. O and M Circle, Miryalaguda, Nalgonda District
5. The Superintending Engineer, NS.Dam Circle Hill Colony, Nagarjunasagar Nalgonda District.
6. The Executive Engineer, NS.L.C. Division, Miryalaguda, Nalgonda District.
7. The Principal Secretary, Finance and Planning Department, State of Telangana, Secretariat Buildings, Hyderabad-500022.
8. One CC to Sri. A. K. Jayaprakash Rao, Advocate [OPUC]
9. Two CCs to GP for Services II, High Court for the State of Telangana. [OUT]
10. Two CD Copies.

PM

HIGH COURT

DATED:28/12/2020



ORDER

WP.No.15702 of 2020

Disposing of the WP
Without costs.

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MMA
02/01/2021