

HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

Interlocutory Application No.1 of 2019

in

Interlocutory Application No.1 of 2018

in / and

Writ Petition No.27998 of 2018

Interlocutory Application No.1 of 2019

in

Interlocutory Application No.1 of 2018

in / and

Writ Petition No.45880 of 2018

And

Contempt Case No.194 of 2019 and Contempt Case No.180 of 2019

COMMON ORDER :

Writ Petition No.27998 of 2018 is filed by 16 individuals who were employed as Contract Residential Teachers (**for short, 'CRTs'**) in various Ashram Schools run by the Integrated Tribal Development Agency (I.T.D.A.) in the Khammam District and Bhadradi Kothagudem District of Telangana State.

2. Writ Petition No.45880 of 2018 is filed 23 individuals who were also employed as Contract Residential Teachers (**for short, 'CRTs'**) in various Ashram Schools run by the Integrated Tribal Development Agency (I.T.D.A.) in the Mahububabad, J.S. Bhoopalapally, Warangal, Bhadradi Kothagudem District and Khammam Districts of the Telangana State.

3. All these petitioners belong to Schedule Tribe Community.

4. They contend that they were appointed as CRTs in the Ashram Schools run by the 4th respondent, which is a Society constituted by the erstwhile composite State of Andhra Pradesh; that the 4th respondent is run with the finances provided by the State and Central Governments; and hence, Writ Petition under Article 226 of the Constitution of India is maintainable against it.

5. According to the petitioners, paper publications were given for appointment as CRTs from 2002 onwards in various years; that they applied for different posts in different subjects; they were interviewed by the subject experts, Dy. Director Tribal Welfare Officer, Bhadrachalam, Bhadradi Kothagudem District (3rd respondent in Writ Petition 27998 of 2018), the Dy. Director Tribal Welfare Officer Eturunagaram, Warangal District (3rd respondent in Writ Petition No.45880 of 2018), the Project Director, I.T.D.A. Bhadrachalam, Bhadradi Kothagudem District (4th respondent in Writ Petition No.27998 of 2018) and the Project Director, I.T.D.A., Eturunagaram Warangal District (4th respondent in Writ Petition No.45880 of 2018); that these schools are located in Agency Areas of the State of Telangana; that no appointment orders were given to any of the petitioners; but service certificates were given to some of them; that they were allowed to work only for ten months in an academic year and were given artificial breaks of two months during the summer vacation of the schools; that they were being paid a paltry amount of Rs.5,000/- per month, that too not regularly; and this action of

respondents in the Writ Petitions is arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

6. It is also contended that in 2018, the respective 3rd and 4th respondents were not continuing the services of the petitioners, but continuing persons who are junior to petitioners and this action of the respondents is also violative of Articles 14, 16 and 21 of the Constitution of India.

7. The petitioners contend that the State of Telangana had issued G.O.Ms.No.16 Finance (HRM.I) Department dt.26.02.2016 in exercise of its powers under Section 101 of the A.P. Re-Organization Act, 2014 adopting the A.P. (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994; and that Section 10-A was added to the said Act specifically permitting the State Government to regularize the services of persons appointed on contract basis against sanctioned posts in the Government, notwithstanding anything contained in the said Act, subject to certain conditions; and the discontinuance of the services of the petitioners is only to ensure that they do not get the benefit of the said G.O.

8. They contend that the Commissioner of Tribal Welfare, State of Telangana (2nd respondent in Writ Petition No.45880 of 2018) had issued proceedings in Rc.No.D2/1681/2018 dt.26.05.2018 giving instructions to all Project Officers of I.T.D.A.s for re-engagement of CRTs in the subsequent year but this is also being violated by the

respondents. Copy of the said proceedings is filed as Ex.P.1 in Writ Petition No.45880 of 2018.

9. Service Certificates issued to some of the petitioners showing that they worked from 05.07.2017 to 12.04.2018 as CRTs in certain Ashram Schools have been filed as Annexures P.4 in Writ Petition No.45880 of 2018.

10. A letter Rc.No.A6/DD(TW)/558/2018 dt.20.07.2018 is filed as Ex.P.2 wherein the Dy. Director Tribal Welfare Bhadradi Kothagudem District has written to the Commissioner of Tribal Welfare that there is an additional requirement of 32 CRTs in Bhadradi Kothagudem District and that 19 excess CRTs from Khammam District be shifted to Bhadradi Kothagudem District is filed as Ex.P.2 in Writ Petition No.27998 of 2018; seniority list of CRTs for 2015-16 for Tribal Welfare Institutions in Khammam District is filed as Ex.P.5; final list of CRTs of Bhadradi Kothagudem District for 2018-19 is filed as Ex.P.6 which shows that some of the CRTs mentioned therein had been working in the Ashram Schools from 2007 itself and others were first appointed in each succeeding year; appointment letters and Service Certificates issued to some of the petitioners for the academic year 2017-18 are filed as Ex.P.7; copies of the interim orders dt.28.07.2015 in WPMP.No.30157 of 2015 in WP.No.23270 of 2015, order dt.23.12.2015 in WP.No.41775 of 2015 are also filed as material papers in Writ Petition No.27998 of 2018. Copy of the final order dt.04.01.2017 in WP.No.11967 of 2015

allowing similar claim by teachers in schools run by Tribal Welfare Department is also placed on record.

11. They therefore pray that a *Writ of Mandamus* be issued to the respondents to regularize their services as per the said G.O.

The interim order in the WPs.

12. In both these Writ Petitions interim order was granted in I.A.No.1 of 2018 on 18.12.2018 to continue the petitioners in their respective posts and also directing that they shall be paid minimum scale of pay fixed to the said posts pending disposal of the Writ Petition following an interim order dt.16.03.2017 passed in WAMP.No.643 of 2017 in W.A.No.286 of 2017. This WA arose out of WP.No.11967 of 2015 which was disposed of on 4.1.2017.

13. I.A.No.1 of 2019 is filed in both the Writ Petitions to vacate the said interim orders by the respondents.

The stand of the respondents

14. In the vacate stay applications, it is the case of the respondents that the Commissioner of Tribal Welfare, A.P, Hyderabad issued instructions in proceedings RC.No.10717/02/D2 dt.30.11.2003 to engage CRTs in vacant posts for a period of one year only by fixing remuneration; that the CRTs have to sign a written undertaking in the form of a bond which contains a clause that their contract appointment shall cease to exist automatically at the end of the academic session

without any notice to the contract , whichever is later; that every year CRTs are appointed afresh and so the question of seniority does not arise. According to the respondents, the contract would end on the last working day of the academic year. It is contended that the contract employees have no right to ask for regularization of their services. Terms of the contract are also extracted in para no.9 of the counter-affidavit filed in WP.No.45880 of 2019. Certain reasons are assigned in para no.11 of the counter as to why the services of 19 petitioners in W.P.No.45880 of 2019 were not renewed. The main reason seems to be that they were absent at a ‘demo’ or refused to participate in it.

15. In the counter-affidavit filed in WP.No.27998 of 2018, it is stated that CRTs are taken for subject need and heavy strength in the T.W. Ashram Schools; that the Commissioner of Tribal Welfare permitted the Dy. Director, Tribal Welfare to engage CRTs for 2017-18 Academic year as per subject-wise basing on strength of students allegedly as per seniority; and it is denied that any person junior to the petitioners was considered for continuation as CRT. It is also admitted that all the CRTs are members of Schedule Tribes.

The consideration by the Court

16. The issue akin to the issue in this case came up for consideration before this Court in WP.No.11967 of 2015. In that case also, like in the instant case, members of Schedule Tribe community who were local to the areas where the Ashram Schools were located

had been appointed as CRTs and were being continued for long periods but their services were being discontinued at the end of the last working day of the academic year and they were re-engaged for the subsequent year.

17. This Court allowed the Writ Petition with costs on 04.01.2017 and directed the respondents to regularise the services of petitioners in Ashram schools where they were employed and consequently give them benefits of scale of pay, seniority and other benefits within eight (08) weeks from the date of receipt of a copy of this order.

18. It is not disputed that the petitioners have continued as Contract Resident Teachers from the respective dates of their initial appointment without termination of their services, but with artificial breaks, and some of the petitioners have completed by now about 8 years of service while others have put in up to 10 years of service. It also cannot be disputed that the work of the petitioners is permanent in nature.

19. In the decision of the Supreme Court in **Secretary, State of Karnataka and others Vs. Umadevi (3) and others**¹, the Supreme Court held that the State should act as a model employer and while it has power to make temporary appointments, a regular process of recruitment has to be resorted to. It observed that regular recruitment should be insisted upon and only in a contingency can an *ad hoc*

¹ (2006) 4 SCC 1

appointment be made in a permanent vacancy, but the same should soon be followed by a regular recruitment.

20. Unfortunately, even though more than 10 years have elapsed since the said judgment, the respondents have chosen to conveniently ignore their obligation to fill up the posts of Teachers in these Ashram schools run by 4th respondent by regular process of recruitment but have chosen to continue the petitioners on contract basis for varying periods more than 10 years in some cases.

21. No valid reason is assigned by respondents as to why they have resorted to unfair labour practice of terminating the services of petitioners at the end of every academic year and reengaging them in the next academic year.

22. No doubt the Supreme Court in **Umadevi (3)** (1 supra) observed that *ordinarily* it is not proper for the Courts acting under Article 226 of the Constitution of India to direct absorption in permanent employment of those who have been engaged without following due process of selection as envisaged by the constitutional scheme, and there is only a limited role of equity in such matters. It emphasised that unless an appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and that if it is a contractual appointment, the appointment comes to an end at the end of the contract and merely because a contractual employee is

continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. It held that the High Courts acting under Article 226 of the Constitution, *should not ordinarily* issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. Therefore that would mean that there can be exceptions and that there is *no absolute bar on exercise of jurisdiction of the High Court and if circumstances warrant, it can grant such reliefs.*

23. This decision was considered in **Nihal Singh and others Vs. State of Punjab and others**². The Supreme Court considered the case of absorption of Special Police Officers appointed by the State, whose wages were paid by Banks at whose disposal their services were made available. It held that the mere fact that wages were paid by the Bank did not render the appellants 'employees' of those Banks since the appointment was made by the State and disciplinary control vested with the State. It held that *the creation of a cadre or sanctioning of posts for a cadre is a matter exclusively within the authority of the State, but if the State did not choose to create a cadre but chose to make appointments of persons creating contractual*

² (2013) 14 SCC 65.

relationship, its action is arbitrary. It also refused to accept the defence that there were no sanctioned posts and so there was justification for the State to utilise services of large number of people like the appellants for decades. It held that “*sanctioned posts do not fall from heaven*” and that the State has to create them by a conscious choice on the basis of some rational assessment of need. Referring to **Umadevi (3)**, it held that the appellants before them were not arbitrarily chosen, their initial appointment was not an ‘irregular’ appointment as it had been made in accordance with the statutory procedure prescribed under the Police Act, 1861, and the State cannot be heard to say that they are not entitled to be absorbed into the services of the State on permanent basis as, according to it, their appointments were purely temporary and not against any sanctioned posts created by the State. *It held that the judgment in Umadevi (3) cannot become a licence for exploitation by the State and its instrumentalities and neither the Government of Punjab nor those public sector Banks can continue such a practice consistent with their obligation to function in accordance with the Constitution.* This decision is an apt answer to the contentions raised by the respondents.

24. In **Sudarshan Rajpoot V. UPSRTC**³ decided in 2015, the Supreme Court held that extracting work of permanent nature continuously for more than 3 years on the plea that the employment is on contract basis is wholly impermissible and this amounts to an

³ (2015)2 SCC 317

“unfair labour practice” as defined under Section 2(ra) of the Act r/w Section 25-T which is prohibited under Section 25-U and Chapter V-C of the Act. It held that **Umadevi** (3) cannot apply in such a situation.

25. The respondents also sought to contend that the appointment of petitioners are contrary to A.P. (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure Act, 1994 (Act 2 of 1994) and that petitioners do not fulfill the conditions set out therein.

26. Sec.4 of the said Act states:

“4. Regulation of recruitment.—No recruitment in any public service to any post in any class, category or grade shall be made except,—

(a) from the panel of candidates selected and recommended for appointment by the Public Service Commission/College Service Commission where the post is within the purview of the said Commission;

(b) from a panel prepared by any Selection Committee constituted for the purpose in accordance with the relevant rules or orders issued in that behalf; and

(c) from the candidates having the requisite qualification and sponsored by the employment exchange in other cases where recruitment otherwise than in accordance with clauses (a) and (b) is permissible.

Explanation.— For the removal of doubts it is hereby declared that nothing in this section shall apply to compassionate appointments made in favour of son/daughter/spouse of any person employed in public service who dies in harness or who retires from service on medical grounds, in accordance with the relevant orders issued from time to time.”

27. Sec.7 of the said Act states:

“7. Bar for regularisation of services.—No person who is a daily wage employee and no person who is appointed on a temporary basis under Section 3 and is continuing as such at the commencement of this Act shall have or shall be deemed ever to have a right to claim for regularisation of services on any ground whatsoever and the services of such person shall be liable to be terminated at any time without any notice and without assigning any reasons:

Provided that in the case of workmen falling within the scope of Section 25-F of the Industrial Disputes Act, 1947, one month’s wages and such compensation as would be payable under the said section shall be paid in case of termination of services:

Provided further that nothing in this section shall apply to the workmen governed by Chapter V-B of the Industrial Disputes Act, 1947.

Explanation.—For the removal of doubts it is hereby declared that the termination of services under this section shall not be deemed to be dismissal or removal from service within the meaning of Article 311 of the Constitution or of any other relevant law providing for the dismissal or removal of employees but shall only amount to termination simpliciter, not amounting to any punishment.”

28. It is not in dispute that Sec.15 of the said Act even envisages the imposition of a penalty of imprisonment on the officers of the companies acting against the provisions of the Act.

29. No doubt constitutionality of Act 2 of 1994 was upheld by the Supreme Court of India in **A. Manjula Bhashini v. A.P.Women’s Coop Finance Corpn. Ltd⁴**.

⁴ (2009) 8 SCC 431

30. But why the respondents have chosen to make such appointments in violation of Act 2 of 1994 is not explained.

31. In my opinion, the respondents cannot plead ignorance of Act 2 of 1994 from 2003 when onwards they selected and appointed the petitioners on contract basis and thereafter when they continued them in service for 8-10 years. This is clearly in the nature of an ‘unfair labour practice’ and contrary to the constitutional scheme as held in **Umadevi (3)**.

32. In **Rattan Lal v. State of Haryana**⁵, the Supreme Court of India strongly deprecated the practice of State Governments to appoint teachers for short periods, give a gap during summer vacation, and re-engage them again as in the present case. It held:

“ In all these petitions the common question which arises for decision is whether it is open to the State Government to appoint teachers on an ad hoc basis at the commencement of an academic year and terminate their services before the commencement of the next summer vacation, or earlier, to appoint them again on an ad hoc basis at the commencement of next academic year and to terminate their services before the commencement of the succeeding summer vacation or earlier and to continue to do so year after year. A substantial number of such ad hoc appointments are made in the existing vacancies which have remained unfilled for three to four years. It is the duty of the State Government to take steps to appoint teachers in those vacancies in accordance with the rules as early as possible. The State Government of Haryana has failed to discharge that duty in these cases. It has been appointing teachers for quite some time on an ad hoc basis

⁵ (1985) 4 SCC 43

for short periods as stated above without any justifiable reason. In some cases the appointments are made for a period of six months only and they are renewed after a break of a few days. The number of teachers in the State of Haryana who are thus appointed on such ad hoc basis is very large indeed. If the teachers had been appointed regularly, they would have been entitled to the benefits of summer vacation along with the salary and allowances payable in respect of that period and to all other privileges such as casual leave, medical leave, maternity leave etc. available to all the Government servants. These benefits are denied to these ad hoc teachers unreasonably on account of this pernicious system of appointment adopted by the State Government. These ad hoc teachers are unnecessarily subjected to an arbitrary “hiring and firing” policy. These teachers who constitute the bulk of the educated unemployed are compelled to accept these jobs on an ad hoc basis with miserable conditions of service. The Government appears to be exploiting this situation. This is not a sound personnel policy. It is bound to have serious repercussions on the educational institutions and the children studying there. The policy of “ad hocism” followed by the State Government for a long period has led to the breach of Article 14 and Article 16 of the Constitution. Such a situation cannot be permitted to last any longer. It is needless to say that the State Government is expected to function as a model employer.”

(emphasis supplied)

33. When an employer resorts to ‘unfair labour practice’, the Supreme Court has held in **Hari Nandan Prasad and another v. Employer I/R to Management of Food corporation of India and another**⁶ and in **Oil and Natural Gas Corporation Limited v. Petroleum Coal Labour Union and another**⁷ that Industrial

⁶ (2014) 7 SCC 190

⁷ (2015) 6 SCC 494

adjudicators under the Industrial Disputes Act, 1947 can grant relief of regularization notwithstanding the decision in **Umadevi (3)**.

34. Though the said Act may not be apply to the case of the petitioners, still the power of this Court under Art.226 of the Constitution of India can be exercised to grant such relief of regularisation where the State adopts practices which are exploitative and which are akin to ‘unfair labour practice’.

35. I am also of the view that the respondents cannot be allowed to take advantage of their own wrong and seek to deny the relief of regularization.

36. In **Union of India v. Maj. Gen. Madan Lal Yadav⁸**, the Supreme Court explained this principle in the following terms:

*“In this behalf, the maxim **nullus commodum capere potest de injuria sua propria** — meaning no man can take advantage of his own wrong — squarely stands in the way of avoidance by the respondent and he is estopped to plead bar of limitation contained in Section 123(2). In Broom’s Legal Maxim (10th Edn.) at p. 191 it is stated:*

“... it is a maxim of law, recognised and established, that no man shall take advantage of his own wrong; and this maxim, which is based on elementary principles, is fully recognised in courts of law and of equity, and, indeed, admits of illustration from every branch of legal procedure.”

*The reasonableness of the rule being manifest, we proceed at once to show its application by reference to decided cases. It was noted therein that a man shall not take advantage of his own wrong to gain the favourable interpretation of the law. In support thereof, the author has placed reliance on another maxim **frustra legis auxilium invocat quaerit qui in legem committit**. He relies on **Perry***

⁸ (1996) 4 SCC 127

*v. Fitzhowe*⁹. At p. 192, it is stated that if a man be bound to appear on a certain day, and before that day the obligee puts him in prison, the bond is void. At p. 193, it is stated that “it is moreover a sound principle that he who prevents a thing from being done shall not avail himself of the non-performance he has occasioned”. At p. 195, it is further stated that “a wrong doer ought not to be permitted to make a profit out of his own wrong”. At p. 199 it is observed that “the rule applies to the extent of undoing the advantage gained where that can be done and not to the extent of taking away a right previously possessed”.

29. The Division Bench of the High Court has recorded the finding that the respondent has absconded from open military detention. From the narration of the facts it is clear that the respondent was bent upon protracting preliminary investigation. Ultimately, when the GCM was constituted, he had challenged his detention order. When he was unsuccessful and the trial was to begin he escaped the detention to frustrate the commencement of the trial and pleaded bar of limitation on and from 1-3-1987. The respondent having escaped from lawful military custody and prevented the trial from being proceeded with in accordance with law, the maxim ***nullus commodum capere potest de injuria sua propria*** squarely applies to the case and he having done the wrong, cannot take advantage of his own wrong and plead bar of limitation to frustrate the lawful trial by a competent GCM. Therefore, even on the narrow interpretation, we hold that continuation of trial from 2-3-1987 which commenced on 25-2-1987 is not a bar and it is a valid trial.”

37. This principle was recently reiterated in **Mackinnon Mackenzie & Co. Ltd. v. Mackinnon Employees Union**¹⁰. The Court held:

“53. Further, it is urged by the learned Senior Counsel on behalf of the appellant Company that there is no question of reinstatement of the workmen concerned and payment of back wages to them since the department/unit concerned of the appellant Company in which they

⁹ (1846) 8 QB 757

¹⁰ (2015) 4 SCC 544

*were employed no longer exists and therefore, requested this Court to mould the relief granted by the courts below. The said contention is rightly rebutted by the learned Senior Counsel on behalf of the respondent Union by placing reliance on **Workmen of Sudder Workshop**¹¹, wherein this Court held that the Court cannot sympathise with a party which gambles in litigation to put off the evil day, and when that day comes, prays to be saved from its own gamble. The said contention urged on behalf of the respondent Union must be accepted by us as the same is well founded. Therefore, we hold that moulding of the relief is not permissible in this case at this stage when the matter has reached this Court keeping in mind the legal principle laid down by this Court on this aspect of the matter in the case referred to *supra*.”*

38. In **Umadevi (3)** (1 *supra*) itself, the Supreme Court in para-53 of its judgment held that direct appointment of duly qualified persons in duly sanctioned vacant posts were made by the employer and the employees have continued to work for 10 years or more but without intervention of orders of Courts or of Tribunals, as a one time measure, steps for regularisation of their services would have to be considered on merits while ensuring that regular recruitments are undertaken to fill those vacant sanctioned posts that are required to be filled up.

39. In my considered opinion, since the petitioners are all tribals and are eligible for such appointment, since they possess the requisite qualification, their appointment cannot be termed as ‘illegal’ particularly when even according to respondents their appointment was made through a selection Committee consisting of high officials

¹¹ AIR 1980 SC 1454

of the Tribal Welfare Department from 2003 onwards. So it has to be held that their appointment is at best 'irregular' and not 'illegal'.

40. It is to be kept in mind that normally, it would be very difficult to find people to work in the schools located in the interior tribal areas. When petitioners, who are locals to such areas, agreed to teach in those schools and have put in considerable service, there is no valid justification for respondents to deny the relief of regularization.

41. It is also not the case of respondents that pursuant to the interim order passed by this Court on 18-12-2018 any attempt was made by respondents at all to make regular recruitment.

42. Therefore, as held in **Nihal Singh** (2 supra), I hold that the State cannot take the defence, after permitting the utilization of the services of petitioners for a long period of time, that it will continue to exploit them and pay them a consolidated salary without regularizing their services; that **Umadevi** (3) case or Act 2 of 1994 cannot become a licence for exploitation by the State; and the State cannot continue a practice inconsistent with its obligation to function in accordance with the Constitution.

43. Admittedly, G.O.Ms.No.16 Finance (HRM.I) Department dt.26.02.2016 has been issued by the Government of Telangana adopting the A.P. Public Employment (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay

Structure) Act, 1994 and also inserted Section 10-A therein which states as under:

“Regularization of Services of persons appointed on contract basis :

10-A. Notwithstanding anything contained in this Act, the Government may regularize the services of the persons appointed on contract basis against the sanctioned posts in the Government, subject to fulfillment of the following conditions:

- 1. Availability of a post in the relevant category in the respective departments shall be the pre-requisite condition for considering regularization.*
- 2. Regularization may be considered only in respect of persons appointed on full time contract basis on a monthly remuneration.*
- 3. Regularization may be considered only in respect of eligible personnel working as on 2nd June, 2014, immediately before formation of Telangana State, and continuing till the date of proposed regularization.*
- 4. For the purpose of continuity the annual breaks in certain vacation departments like Education and Welfare Departments may be ignored. This condonation shall not, however, apply in respect of breaks on account of unauthorized absence and disciplinary cases.*
- 5. The regularization shall be with prospective effect, i.e., from the date of issue of orders of regularization and appointment to the category.*
- 6. The backlog in reservations if any arising out of regularization as above shall be carried forward and treated as backlog vacancies for that particular category.”*

44. The respondents are obligated to regularize their services in terms of the G.O.Ms.No.16 Finance (HRM.I) Department dt.26.02.2016 and also in terms of the judgment dt.04.01.2017 in WP.No.11967 of 2015 ignoring the artificial breaks given by them to the petitioners from the respective dates of their initial appointment as

CRTs and also the non-continuance of their services after the end of the academic year 2017-18.

45. I therefore see no reason to vacate the interim order granted in both these Writ Petitions on 18.12.2018 in I.A.No.1 of 2018. Accordingly, I.A.No.1 of 2019 in WP.No.27998 of 2018 and I.A.No.1 of 2019 in WP.No.45880 of 2018 are dismissed.

The relief granted in WP.No.27998 of 2018 and WP.No.45880 of 2018

46. Accordingly, both the Writ Petitions are allowed with costs of Rs.1000/- to be paid to each of the petitioners by the State of Telangana; and the respondents in the Writ Petitions are directed to regularize the petitioners' services in terms of the G.O.Ms.No.16 Finance (HRM.I) Department dt.26.02.2016 and also in terms of the judgment dt.04.01.2017 in WP.No.11967 of 2015 ignoring the artificial breaks given by them to the petitioners from the respective dates of their initial appointment as CRTs and also the non-continuance of their services after the end of the academic year 2017-18; and also pay them minimum of time-scale attached to the post of teacher regularly appointed in the said schools for the duration they have already worked along with annual increments. The exercise of regularization of the services of the petitioners shall be completed within three months from the date of receipt of copy of this order and the arrears of salary as per minimum of time-scale attached to the post of teacher regularly appointed in the said schools along with annual

increments shall be paid in three months. The petitioners shall be continued in service till such orders of regularization are passed without fail.

CC.No.194 of 2019 and CC.No.180 of 2019

47. CC.No.194 of 2019 and CC.No.180 of 2019 are filed by the petitioners to punish the respondents in the said Writ Petitions for willful disobedience of the interim orders dt.18.12.2018 in I.A.No.1 of 2018 in WP.No.45880 of 2018 and I.A.No.1 of 2018 in WP.No.27998 of 2018.

48. In view of the common order passed today in WP.No.27998 of 2018 and WP.no.45880 of 2018, the Contempt Cases are closed granting liberty to the petitioners to revive the same in the event the respondents do not obey the directions contained in the said common order. No order as to costs.

49. As a sequel miscellaneous petitions pending if any shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date : 24.01.2020

Ndr