

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

**WRIT APPEAL Nos.439, 445, 446, 449, 450, 451, 454, 455 and
464 of 2019**

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

Regard being had to the controversy involved in the aforesaid cases, they were heard together and are being decided by a common order.

The facts of W.A.No.439 of 2019 are reproduced as under:

The present W.A.No.439 of 2019 is arising out of order dated 22.02.2019 passed in W.P.No.3644 of 2019 by the learned Single Judge.

The undisputed facts of the case reveal that a writ petition was preferred by the respondents/writ petitioners working on the post of Sweepers since 1970s and 1980s being aggrieved by the inaction on the part of the employer in not considering/regularizing their cases in terms of G.O.Ms.No.212, dated 22.04.1994 by taking into account the judgment rendered by the Hon'ble Supreme Court in the case of **B. Srinivasulu vs. Nellore Municipal Corporation** in Civil Appeal No.6318 of 2015, dated 17.08.2015 and also orders passed by this Court in an identical case i.e, W.P.No.33936 of 2011 and batch, dated 02.05.2018.

A simple prayer was made by the learned counsel appearing for the writ petitioners before the learned Single

Judge that the cases of the writ petitioners be considered for regularisation keeping in view the judgment delivered in W.P.No.47828 of 2018, dated 30.01.2019 in terms of G.O.Ms.No.212 dated 22.04.1994. The learned Single Judge has simply directed the employer to consider the cases of the writ petitioners keeping in view G.O.Ms.No.212, dated 22.04.1994 and the judgment delivered by the Hon'ble Supreme Court in the case of **B.Srinivasulu (supra)**, however, has not directed regularization at any point of time. It is a direction to consider and pass appropriate order in accordance with law. The relevant portion of the order passed by the learned Single Judge is reproduced as under:

“The learned Government Pleader for Services appearing for the respondents, in principle, has not disputed about the applicability of judgment dated 30.01.2019 rendered by this Court in W.P.No.47828 of 2018, however, he has pointed out that petitioner No.33 is aged about 69 years and hence her case cannot be considered for regularisation of services as she has attained the age of superannuation and contends that the writ petition as against the said petitioner may be dismissed, while allowing the writ petition in respect of other petitioners.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that since all the petitioners are working with the respondents since 1970s and 1980s and they are fully eligible and qualified for regularization of their services in terms of G.O.Ms.No.212, dated 22.04.1994, the contention of the learned Government Pleader that the above said petitioner i.e., petitioner No.33 has attained the age of superannuation and hence she is not entitled for regularisation of services cannot be accepted as legally sustainable, because of inaction of the respondents to apply the terms of G.O.Ms.No.212, dated 22.04.1994 in respect of said writ petitioner i.e., petitioner No.33, though the said G.O. was issued way back in 1994, the services of the said writ petitioner could not be regularised. Therefore, the writ petition can be disposed of directing the respondents to consider the cases of all the petitioners, including petitioner

No.33, for regularisation of their services as Sweepers, irrespective of the fact that the petitioners have crossed the age of 60 years or below the age of 60 years, strictly in terms of G.O.Ms.No.212, dated 22.04.1994 and also by taking into account the judgment rendered by the Hon'ble Supreme Court in B. SRINIVASULU's case (supra) and also the orders passed in W.P.No.33936 of 2011 and batch, dated 02.05.2018. It is made clear that the whole exercise shall be completed within a reasonable period, preferably within a period of three (3) months 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."

In the considered opinion of this Court, as the order has been passed only to consider the cases of the writ petitioners in accordance with law, keeping in view G.O.Ms.No.212, dated 22.04.1994 and the judgment delivered in the case of **B.Srinivasulu (supra)**, this Court does not find any reason to interfere with the order passed by the learned Single Judge. The admission is declined.

Accordingly, the writ appeals are dismissed.

Miscellaneous petitions, if any, pending in these writ appeals shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

A. RAJASHEKER REDDY, J

23.11.2021
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