

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO
PRESENT**

**THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL
WRIT PETITION NO: 38647 OF 2022**

Between:

B. Rama Rao, S/o Gopaiah, aged 53 years, Working as Driver-Cum- Oilman, Khammam Municipal Corporation, Khammam, Khammam District

...PETITIONER

AND

1. The Khammam Municipal Corporation, rep.by its Commissioner, Khammam, Khammam District.
2. The Commissioner and Director of Municipal Administration, A.C.Guards, Hyderabad, State of Telanagana.
3. The State of Telanagana, Rep, by its, Principal Secretary, MA and UD Dept., Secretariat, Hyderabad, State of Telanagana.
4. The State of Telanagana, Rep.,by its Principal Secretary, Finance and Planning Dept.,Hyderabad, State of Telanagana

...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 declaring aggrieved by the impugned action of the respondents in not regularizing petitioner services from the date of completion of five years of continuous service w.e.f. 20-12-1991 as was done in the case of his counter-part Mr. G. Venkateswar Rao, whose services have been regularized vide G.O.Ms.No.224 MA and UD dt.20-05-2002 wherein his is one of the persons on the pretext he has not obtained similar judgment in W.P.No.558 of 2009 dt.18.06.2017 despite an appeal preferred against the above judgment by the respondents in W.A.No.402/2018 which dismissed on 11-06-2018 as such insisting him to get similar orders for his retrospective regularization is illegal, irrational, unjust and violation- of Article 14 of the Constitution of India and contrary to the principle laid by the Apex Court that authorities cannot insist to obtain Court orders when they are similarly placed persons and consequently declare that petitioners services are entitled to regularization w.e.f. 20-12-1991 on above similar lines as was done by extending the above judgment with all consequential benefits

IA NO: 1 OF 2022

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 grievance of the petitioner for retrospective regularization by disposing the representation dt. 15-09-2022 pending disposal of the above W.P.

Counsel for the Petitioner(s): SRI. K LAKSHMANA RAJU

Counsel for the Respondents: GP FOR MCPL ADMN URBAN DEV (TG)

Counsel for the Respondent : GP FOR SERVICE- II (TG)

Counsel for the Respondent No.4: GP FOR FINANCIAL AND PLANNING (TG)

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.38647 of 2022

ORDER:

1 Heard learned counsel for the petitioner, Government Pleader for Municipal Administration and Urban Development, Government Pleader for Services III and Government Pleader for Finance and Planning.

2 The petitioner claims that he joined as Driver in Khammam Municipality as NMR in the year 1986 and was continuing in service since then. While so, the Government issued G.O.Ms.No.212, Finance and Planning (PC.III) Department, dated 22.04.1994, framing guidelines for regularization of services of the persons appointed on daily wage or NMR or on consolidated pay and were continuing on the date of commencement of the said Government Order. The petitioner completed the requisite period of five years of service by the date of issuance of G.O on 22.04.1994, but the respondents failed to regularize the services of the petitioner. In those circumstances, some of the colleagues of the petitioner filed W.P.No.2780 of 1998 seeking a direction to regularize their services in terms of G.O.Ms.No.212 dated 22.04.1994. During the pendency of the above Writ Petition, the first respondent issued G.O.Ms.No.224, MA, dated 20.05.2002, directing the regularization of the services of the petitioner and 20 other NMRs of Khammam Municipality prospectively and the same

is challenged in the present Writ Petition so far as it went against the petitioner.

3 Learned counsel for the petitioner submitted that in identical circumstances this Court allowed W.P.No.558 of 2009 holding that the petitioner therein was entitled for regularization of his services from the date of his completing five years of continuous service as NMR in terms of G.O.Ms.No.212 dated 22.04.1994. Aggrieved thereby the respondents herein preferred W.A.No.402 of 2018 and the said writ appeal was dismissed.

4 Having regard to the fact that the petitioner herein is also on the same footing of the petitioner in W.P.No.558 of 2009, this writ petition is also allowed directing the respondents herein to regularize the services of the petitioner herein from the date he completed five years of service. However, it is made clear that the petitioner is not entitled to any monetary benefit in terms of arrears of pay in view of G.O.Ms.No.212 dated 22.04.1994. However, the petitioner would be entitled for notional fixation of pay and seniority.

5 The Writ Petition is accordingly allowed. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

SD/- N. RAMESH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Khammam Municipal Corporation, Khammam, Khammam District.

2. The Commissioner and Director of Municipal Administration, A.C.Guards, Hyderabad, State of Telanagana.
3. The State of Telanagana, Rep., by its, Principal Secretary, MA and UD Dept.,Secretariat, Hyderabad, State of Telanagana. .
4. The State of Telanagana, Rep.,by its Principal Secretary, Finance and Planning Dept,Hyderabad, State of Telanagana
5. One CC to SRI. K LAKSHIMANA RAJU Advocate [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, [OUT]
7. Two CCs to GP FOR SERVICE - II, High Court for the State of Telangana. [OUT]
8. Two CCs to GP FOR FINANCIAL AND PLAINNING, High Court for the State of Telangana. [OUT]
9. Two CD Copies

HIGH COURT

EVVJ

DATED:24/11/2022

ORDER

WP.No.38647 of 2022



WP IS ALLOWED WITHOUT COSTS