

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
Writ Petition No.21277 of 2013

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking a writ of Certiorari by calling for the records relating to and connected with O.A.No.6280/2007 with M.A.2224/2010 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad (for short "The Tribunal") and to quash or set aside the order dated 05.08.2010 in O.A.No.6280/2007 with M.A.2224/2010 by holding the same as erroneous and contrary to law.

Heard the learned Government Pleader for Services-I appearing for the petitioners and Sri P.Varaprasad Rao, learned counsel for respondent.

Learned Government Pleader for the petitioners contended that the respondent was originally appointed as contingent servant in petitioner's school on 13.03.1976; the petitioner has approached the Tribunal by filing O.A.No.6280 of 2007 seeking a direction to regularize her services, as admittedly the respondent has put in five (05) years of service as on 25.11.1993 in terms of G.O.Ms.No.212 dated 22.04.1994; the Tribunal, vide order dated 05.08.2010, was pleased to

dispose of the said O.A. by directing the petitioners to consider the case of respondent for regularization of her services in terms of G.O.Ms.No.212 dated 22.04.1994 without appreciating any of the contentions raised by the petitioner; and therefore, prayed this Court to pass appropriate orders in the writ petition by setting aside the order passed by the Tribunal in O.A.No.6280 of 2007 dated 05.08.2010, and allow the writ petition.

On the other hand, learned counsel for the respondent contended that the respondent was working as “sweeper” in the petitioner’s organization since 1976, and she has been working continuously without any break; admittedly, the respondent has completed five (05) years of services as on 25.11.1993, and the respondent is entitled for regularization of her services in terms of G.O.Ms.No.212 dated 22.04.1994; therefore, the Tribunal was justified in allowing the O.A in favor of the respondent; and there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival contentions made by both the parties, is of the considered view that the Tribunal is justified in allowing of the O.A. in favor of the respondent, as admittedly, the respondent has completed five (05) years of service as on 25.11.1993 in terms of G.O.Ms.No.212 dated 22.04.1994. Therefore, this Court is not inclined to interfere with the order passed by the

Tribunal in O.A.No.6280 of 2007 dated 05.08.2010. Accordingly, the writ petition is dismissed. No costs.

As a sequel, miscellaneous applications pending if any in this writ petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

NAMAVARAPU RAJESHWAR RAO, J

Date: 15.12.2022

AQS