

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

THURSDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 4486 OF 2020

Between:

1. M Laxmipathi, S/o. Kanakaiah, Aged about 53 years, Casual Mazdoor, O/o The General Manager Telecom District, Karimnagar, Karimnagar District.
2. K.Suresh (Died) Per LRs P4 to P7
3. K. Satti Reddy, S/o. Narayana Reddy, Aged about 52 years, Casual Labor, O/o. Sub Divisional Officer (Groups-I), Telecom, Karimnagar. H.No. 2-47, Anantanagar, Chine Kodur Mandal, Siddipet District
4. Kola Vijaya W/o. Late Suresh, H.No.5-4-102, Kapuwada, Karimnagar – 1.
5. Kola Kalyani D/o. Late Suresh, H.No.5-4-102, Kapuwada, Karimnagar – 1.
6. Kola Srikanth S/o. Late Suresh, H.No.5-4-102, Kapuwada, Karimnagar – 1.
7. Kola Rani D/o. Late Suresh, H.No.5-4-102, Kapuwada, Karimnagar – 1.

(Petitioner Nos. 4 to 7 are brought on record as LRs of deceased Petitioner No. 2 as per Court Order dated 09.02.2023 in I.A.No.1 of 2022 in W.P.No.,4486 of 2020)

...PETITIONERS

AND

1. The Union of India, Rep by its Secretary, Department of Communications, New Delhi.
(Respondent No.1 is deleted as per Court Order dated 09.02.2023 in I.A.No.1 of 2021 in W.P.No.4486 of 2020)
2. The Bharat Sanchar Nigam Ltd, Rep by its Director General New Delhi.
3. The Chief General Manager, Bharat Sanchar Nigam Ltd, Hyderabad , 500001.
4. The General Manager, Bharat Sanchar Nigam Ltd., Karimnagar, Karimnagar District.

...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 an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to and connected with the orders passed by Central Administrative Tribunal, Hyderabad Bench in OA No. 21/900/2017 dated 14-6-2019 and quash or set aside the same as being erroneous and incorrect and further be pleased to hold that the petitioners are entitled to be granted temporary status and consequential regularization of

services with benefits incidental thereto on the analogy of orders passed by this Honble Court in W.A No. 2560 of 2005 dated 9-10-2014

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 suspend the operation of the order passed by Central Administrative Tribunal, Hyderabad Bench in OA No. 21/900/2017 dated 14-6-2019 and direct the respondents to pay minimum time scale of pay attached to the post of Casual labour in terms of the law laid down in (2017) 1 SCC 148

Counsel for the Petitioners: SRI D. LINGA RAO

**Counsel for Respondent Nos. 2 to 4: SMT. P. SARADA,
SC FOR BSNL**

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.4486 OF 2020

ORDER: (per AKS,J)

When the matter is taken up for hearing, learned counsel for the petitioners has informed the Court that identical Writ Petition i.e., W.P.No.33344 of 2010, was disposed of by this Court on 11.11.2022, by directing the respondents therein to consider the case of the petitioner therein for regularization of his services in terms of the law laid down by the Honourable Supreme Court in the **State of Karnataka v. Uma Devi**¹. In view of the same, the present Writ Petition also deserves to be disposed of following the aforesaid order, dated 11.11.2022.

2. Learned Standing Counsel appearing for the respondent Nos.2 to 4 did not dispute the said fact.

3. In view of the same, the present Writ Petition is disposed of by following the order, dated 11.11.2022, passed by this Court in W.P.No.33344 of 2010 and the respondents

¹ (2006) 4 SCC 1

are directed to consider the case of the petitioners for regularization of their services in terms of the law laid down by the Honourable Supreme Court in **Uma Devi's** case (supra). There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Director General, Bharat Sanchar Nigam Ltd, New Delhi.
2. The Chief General Manager, Bharat Sanchar Nigam Ltd, Hyderabad .
500001.
3. The General Manager, Bharat Sanchar Nigam Ltd., Karimnagar, Karimnagar District.
4. One CC to Sri D Linga Rao Advocate [OPUC]
5. One CC to Smt. P. Sarada, SC for BSNL (OPUC)
(Along with a copy of Order dated 11.11.2022 in W.P.No.33344 of 2010)
6. Two CD Copies

MBC

GJP



HIGH COURT

DATED: 09/02/2023



ORDER

WP.No.4486 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

⑧

MA
25/3/23

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

Writ Petition No.33344 of 2010

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

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking a *Writ of Mandamus* by declaring the order passed in O.A.No.731 of 2009 dated 30.07.2010 by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal') as illegal, arbitrary, unconstitutional and set aside the same; and consequently to direct the respondents to grant temporary status w.e.f.01.10.1989 and regularization from 01.10.2000 to the petitioner.

2. Heard Mr. D. Linga Rao, learned counsel for the petitioner and Ms. Chintalapudi Lakshmi Kumari, learned counsel for the respondents.

3. Learned counsel for the petitioner contended that petitioner was initially appointed as 'Casual Mazdoor' on 01.10.1980 and ever since he has been discharging his duties to the best satisfaction of his superiors and everyone concerned; the grievance of the petitioner is that persons

who have been appointed along with the petitioner were granted temporary status and were subsequently regularized; but, when it came to the case of the petitioner, the respondents have not considered the case of the petitioner; aggrieved by the said inaction of the respondents in regularizing the services of the petitioner, the petitioner approached the Tribunal by filing O.A.No.731 of 2009; but the Tribunal, vide order dated 30.07.2010, had mechanically dismissed the O.A. without appreciating any of the contentions raised by the petitioner; and aggrieved by the same, the present Writ Petition is filed by the petitioner.

4. Learned counsel for the petitioner has further drawn the attention of this Court to a judgment rendered by the Hon'ble Apex Court in **State of Karnataka vs. Uma Devi**¹ wherein the Hon'ble Apex Court had held that, persons who are working on temporary basis and who have completed more than ten (10) years of service are entitled for regularization of their services; and therefore, prayed this Court to pass appropriate orders in the Writ Petition by directing the respondents to consider the case of

¹ (2006) 4 SCC Pg.1

petitioner for regularization of his services in view of the law laid down by the Hon'ble Apex Court in **Uma Devi** (1 supra).

5. On the other hand, learned counsel for the respondents contended that the case of the petitioner would be examined in terms of the law laid down by the Hon'ble Apex Court in **Uma Devi** (1 supra) and appropriate orders would be passed by the respondents.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the present Writ Petition can be disposed of by directing the respondents to consider the case of the petitioner for regularization of his services in terms of the law laid down by the Hon'ble Apex Court in **Uma Devi** (1 supra) within a reasonable period of time, preferably within three (03) months from the date of receipt of copy of this order.

7. It is needless to state that the order passed by the Tribunal in O.A.No.731 of 2009 dated 30.07.2010 is set aside.

8. With these observations, the Writ Petition is disposed of. No costs.

9. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

E.V. VENUGOPAL, J

Date : 11.11.2022
Ndr