

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION (TR) No. 5212 OF 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Services-III appearing for respondents. With the consent of both the parties, the writ petition(TR) is being taken up for disposal.

2. This Writ Petition(TR) is filed seeking to declare the action of the respondents in regularizing the services of the petitioner prospectively from the date of issuance of regularization orders instead of retrospective regularization from the date of completion of 5 years and not counting service rendered by the petitioner on daily wage basis prior to his regularization for the purpose of pensionary benefits by extending old pension scheme is illegal, arbitrary and also contrary to the orders passed by the Hon'ble Supreme Court in Civil Appeal No.6318 of 2015 dated 17.09.2015 and consequently direct the respondents to regularize the services of the petitioner retrospectively from the date of completion of 5 years instead of prospective regularization by counting service rendered by the petitioner on daily wage basis prior to his regularization for the purpose of pensionary benefits as held by the Hon'ble Supreme Court Civil Appeal No.6318 of 2015 dated 17.09.2015 with all other attendant benefits if necessary by setting aside G.O.Rt No.118 M.A.U.D dated 21.01.2013 only to the extent of prospective regularizaion .

3. Today, when the matter has been taken up for hearing, learned counsel for the petitioner submits that the issue involved in this writ

petition(TR) is squarely covered by the decision rendered by the *Apex Court* in ***B.Srinivasulu v. Nellore Municipal Corporation***¹, and also common order dated 02.05.2018 passed by Division Bench of this Court in W.P.No.33936 of 2011 and batch and the same is not disputed by the learned Government Pleader for Services-III appearing for respondents.

4. In view of the submission made by the learned counsel on either side and for the reasons alike in this Writ Petition(TR), the Writ Petition(TR) is disposed of with a direction to respondents authorities to consider the petitioner's case in terms of the order passed by Hon'ble Apex Court in B.Srinivasulu Vs. Nellore Municipal Corporation (cited supra) and also the common order dated 02.05.2018 passed by the Division Bench of this Court in WP No.33936 of 2011 and batch and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of six (06) weeks from the date of receipt of the order, after giving a fair opportunity of hearing to the petitioner and communicate the same to the petitioner.

5. Accordingly, the writ petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

N.V.SHRAVAN KUMAR, J

03.03.2023
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Note: Registry is directed to annex the order copy of
Writ Petition No.33936 of 2011 & batch, dated 02.05.2018.
to this order.

¹ Civil Appeal No.6318 of 2015 decided on 17.08.2015