

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION (TR) No. 5149 OF 2017

ORDER:

Heard learned counsel for the petitioners 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 their services prospectively vide G.O.Rt No.738 M.A.U&D dated 06.05.2013 without counting daily wage service rendered by the petitioners from the date of completion of 5 years prior to their regularization for purpose of qualifying service for fixation of pension by extending old pension scheme is illegal, arbitrary and also contrary to the orders passed by the Hon'ble Supreme Court and consequently direct the respondents to count the service rendered by the petitioners on daily wage basis from the date of completion of their initial appointment prior to their regularization of services vide G.O.Rt.No.738 M.A.U&D Department dated 06.05.2013 for the purpose of counting of qualifying service for fixation of pension by extending old pension scheme if necessary by setting aside G.O.Rt.No.738 M.A.U&D Department dated 06.05.2013 only to extend of prospective regularization for counting service of daily wage service for pension.

3. Today, when the matter has been taken up for hearing, learned counsel for the petitioners submits that the issue involved in this writ petition(TR) is squarely covered by the decision rendered by the *Apex Court*

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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