

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION (TR) No.5849 OF 2017

ORDER:

This present writ petition(TR) is filed seeking to “declare the inaction of the respondents in not absorbing the services of the applicant in the cadre of Librarian Gr-III which is least cadre post amongst librarian cadre posts in the respondent department even after discharging duty continuously as Librarian on full time basis since 30 years till date on par with regular librarians even after possessing all the requisite statutory qualifications and other eligibilities as per Note-(ii) of Rules-5 of G.O.Ms.No.674, Education Department, dated 21.03.1967 and even not applying relaxation of qualifications as applied in G.O.Rt.No.1997 Panchayathraj and Rural Development (Estt.V), Department dated 17.12.2002 in the case of the applicant as illegal and prays to direct the respondents to absorb the services of the applicant in the cadre of Librarian Gr-III or any equalient cadre post in one of the regular existing vacancies available in 1st respondent jurisdiction from the date of applicant eligibility with all consequential monetary benefits including payment of arrears and seniority by fixing personal responsibility an accountability against the respondents No.1 to 3 in ill-treating the applicant and forcing to continue on consolidated pay since 30 years even after possessing all the requisite qualifications to hold the post of Librarian Gr.III not forwarding proposals to government and award compensatory damages.”

2. Learned counsel for the petitioner further submits that similarly situated persons have approached the Andhra Pradesh Administrative Tribunal (for short 'the tribunal') by filing O.A No.2402 of 2016 & Batch seeking to direct the respondent authorities for regularization of their services, and the Tribunal on 07.03.2017 has allowed the O.A No.2402 of 2016 & Batch with the following directions, which reads under:

"Similar issue fell for consideration before the Tribunal in O.A No.2602 of 2013 dated 19.02.2016 wherein, the applicants are also similarly situated to that of the applicants in the O.A, and as such, the petitioners are entitled for the benefit of the orders issued in the said GOs and are entitled for regularisation of their services. The contention of the respondents that the applicants are working on part time basis, cannot be accepted, in view of the orders of the Tribunal in O.A No.1438 of 2016 and batch dated 11.02.2010 which was filed for Minimum Time scale of Pay, wherein it was declared that applicants are discharging duties as Full Time but not Part Time Employees which orders were confirmed in W.P No.28140 of 2010 by the Hon'ble High Court vide its orders dated 20.02.2013 and even by the Hon'ble Supreme Court in S.L.P No.12558 of 2014 vide orders dated 19.08.2013 and as such, the applicants who are similarly situated and working as Librarians on Full Time basis for the past more than three decades are entitled for regularisation of their services as per G.O.Ms.No.212 dated 22.04.1994.

In view of the above, the O.As are disposed of declaring that the applicants are entitled for regularisation of their services under G.O.Ms.No.212 dated 22.04.1994 and the respondents are directed to pass appropriate orders accordingly within a period of 12 weeks from the date of receipt of a copy of this order by considering the cases of the applicants in the respective posts."

3. Learned counsel for the petitioner further submits that respondent authorities has not implemented the orders of the Tribunal. Aggrieved by the same, the petitioner therein in O.A No.2402 of 2016 & Batch preferred Writ Petition No.14287 of 2019 before High Court of Andhra Pradesh at Amaravati, and the Hon'ble Division Bench on 21.10.2019 passed the following order, which reads under:

“Having regard to the submissions made by the learned Government Pleader, without going into the merits of the case, this writ petition is disposed of directing the respondents to implement the order of the Andhra Pradesh Administrative Tribunal, Hyderabad passed in O.A No.2402 of 2016 and batch, dated 07.03.2017, within a period of six (6) weeks from the date of receipt of a copy of this order provided the order has attained finality and no application is filed challenging the order as on today by any other party. There shall be no order as to costs.”

4. Learned counsel for the petitioner submits that petitioner herein is on the same footing as petitioners therein in Writ Petition No.14287 of 2019 and further prayers that similar orders may be passed in the present Writ Petition (TR) in terms of the orders passed by the Hon'ble Court in Writ Petition No.14287 of 2019, dated 21.10.2019 and O.A No.2402 of 2016 & Batch, dated 07.03.2017 to regularize the services of the petitioner.

5. Learned Government Pleader for Services-I appearing for respondents submits that the petitioner is a Part Time Worker and as per G.O.Ms.No.212, Finance and Planning (FW.PC.III) Dept., dated 22.04.1994, Part Time Worker needs 10 years of service for getting eligibility for regularization of service. But, learned Government Pleader

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has also not disputed the above said facts and fairly submits that respondent authorities may be directed to consider the case of the petitioner in terms of orders passed by WP No.14287 of 2019 and pass appropriate orders in accordance with law.

6. In view of the submissions made by the learned counsel on either side, this writ petition is disposed of; directing the respondent authorities to consider the case of the petitioner in the light of orders passed by the Tribunal in O.A No.2402 of 2016 & Batch and WP No.14287 of 2019, dated 21.10.2019 and pass appropriate orders strictly in accordance with law, as expeditiously as possible, preferably, within a period of eight (8) weeks from the date of receipt of copy of this order and communicate the same to the petitioner.

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

N.V.SHRAVAN KUMAR, J

Dated: 14.02.2023
Smk