

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

Writ Petition No.13486 of 2010

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

This Writ Petition is filed by the petitioners under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.6281 of 2006, dated 23.12.2009 and to quash the same.

2. Heard learned Government Pleader for Services-II, counsel for petitioners and Mr. M. Gopal Rao, learned counsel for the 1st respondent.

3. Learned counsel for the petitioners contended that the 1st respondent was appointed as a Karobar in the Gram Panchayat in the year 1989 and he was seeking for regularization of his services and also pay scale attached to the post of Karobar/Bill Collector. When the case of the 1st respondent was not considered he has approached the Tribunal by filing O.A.6281 of 2006 and the Tribunal vide orders, dated

23.12.2009 was pleased to allow the O.A in favour of the respondents and directed the petitioners to absorb the 1st respondent as Panchayat Secretary as per eligibility and seniority with all consequential benefits without appreciating any of the contentions raised by the petitioners.

4. Learned counsel for the petitioners had further contended that the 1st respondent was appointed as Karobar, but the Tribunal has strangely given a direction to absorb the 1st respondent as a Panchayat Secretary. Aggrieved by the orders passed by the Tribunal, the present writ petition is filed and this Court was pleased to suspend the operation of the Tribunal judgment vide orders, dated 16.06.2010. Therefore, appropriate orders be passed in the writ petition by setting aside the orders passed by the Tribunal in O.A.No.6281 of 2006, dated 23.12.2009 and allow the writ petition.

5. On the other hand, learned counsel for the 1st respondent contended that the 1st respondent was appointed way back in 1989, but the petitioners have

extracted the work to the 1st respondent to act as Panchayat Secretary and also Bill Collector. The 1st respondent has been working even as on today without any regular pay scale and without absorption. Therefore, appropriate orders be passed in the writ petition by directing the petitioners to consider the case of the 1st respondent for absorption in any post with all consequential benefits.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the 1st respondent is working since 1989 with the Gram Panchayat and even today also the 1st respondent is working, which would mean that the 1st respondent has rendered the service with the petitioners for more than three decades and the issue was already considered by the Hon'ble Supreme Court in ***State of Karnaaka Vs. Umadevi***¹, wherein the Hon'ble Supreme Court has observed that the persons who were working on temporary basis are deserved to be considered for regularisation of their services by

¹ (2006) 4 SCC 1

framing an appropriate scheme for regularisation of service. Therefore, this Court is of the considered view that the ends of justice would be met if the present writ petition is disposed of directing the petitioners to consider the case of the 1st respondent for regularising his services, by duly taking into account the fact that the 1st respondent was working with the petitioners for more than three decades and consider his case in terms of law laid down by the Supreme Court, referred to supra, and pass appropriate orders in accordance with law.

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

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

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK , J

Date: 20.01.2023
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