HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION (TR) NO: 5076 OF 2017

Between:

1. Md.Shamshuddin, S/o Vali Mohammad, aged about 50 years, Working as Chairman in KUDA, Warangal, R/o Chinthal, Warangal District.
2. J.Yadagiri, S/o Ramaiah, aged about 45 years, Working as Chairman in KUDA, Warangal, R/o Ashok Colony, Hanmakonda, Warangal, Warangal District.

...PETITIONERS

AND

1. **The State of Telangana,** rep by its Secretary, MA and UD Department, Secretariat Buildings, Hyderabad- 500022.
2. **The State of Telangana,** rep. by its Secretary, Finance and Planning Department, Secretariat Buildings, Hyderabad-500022.
3. The Kakatiya Urban Development Authority, Warangal, rep. by its Vice Chairman, Warangal District - 506001.
4. The Administrative Officer-II (Estt), Kakatiya Urban Development Authority, Warangal, Warangal District – 506001.

   Amendment is carried out as per the orders of the Tribunal dt. 6/11/2015 in MA.2529/2015 in OA.6145/15

...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 call for the records relating to the G.O.Ms. No.233, MA, dated 23.06.2004 issued by the first respondent and set aside the same so far as the applicants are concerned to the extent that regularizing the services of the applicants prospectively without granting seniority and pay protection from the

date of earlier regularization orders issued vide Proc. No. A/1250/96, dated 10.02.1997 issued by the 3rd respondent is illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents to grant seniority and pay protection from the date of earlier regularization orders issued by the 3rd respondent vide Proc. No. A/1250/96, dated 10.02.1997 with all other attendant benefits.

Counsel for the Petitioners: SRI P.RAGHAVENDRA REDDY

Counsel for the Respondent No.1 & 2: GP FOR SERVICES-I

Counsel for the Respondent No.3 & 4: SRI M.AJAY KUMAR, SC FOR KUDA

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION (TR) NO.5076 OF 2017

O R D E R

It is submitted that the petitioners have been initially appointed as NMRs in the year 1987. Subsequently, the petitioners made representations for regularisation of their services and their services were regularised with effect from 23.06.2004 by G.O.Ms.No.233, Municipal Administration & Urban Development (B1) Department, dt.23.06.2004. Seeking regularisation of their services from the date of completion of five years of their services from the date of their initial appointment for the purpose of notional seniority, pension and pensionary benefits, O.A.No.6145 of 2015 was filed and on transfer to this Court, it has been registered as W.P.(TR) No.5076 of 2017.

2. Learned counsel for the petitioners submitted that similar issue had come up before this Court in W.P.No.9024 of 2017, wherein, *vide* orders dt.13.12.2022, this Court has considered all the precedents on the issue and has allowed the Writ Petition granting regularisation from the date of completion of five years of service.

3. Learned Government Pleader for Services-I is heard who admitted that the issue in this WP(TR) is covered by the decision of a Coordinate Bench of this Court in W.P.No.9024 of 2017 dt.13.12.2022.

4. In view of the same, this Court is inclined to allow this W.P.(TR) with the following directions:

> The petitioners are entitled for regularisation of their services from the date of completion of five years of service and the impugned G.O.Ms.No.233, Municipal Administration & Urban Development (B1) Department, dt.23.06.2004 is set aside only to the extent of prospective regularisation and further the respondents are directed to regularise the services of the petitioners from the date of completion of five years for the purpose of seniority as held by the Hon'ble Apex Court in Civil Appeal No.6318 of 2015 dated 17.08.2015 and as per the judgment of this Court in W.P.No.20635 of 2012, dated 31.01.2017, within a period of four (04) weeks from the date of receipt of a copy of this order, duly taking into consideration, the law laid down by the various judgments referred to and extracted in W.P.No.9024 of 2017 dt.13.12.2022. It is however made clear

that the petitioners shall not be entitled to the monetary benefits for the said period in the form of arrears of pay or allowances and the respondents are directed to extend the benefit extended in the case of **B.Srinivasulu Vs. Nellore Municipal Corporation** (Appeal (C) No.12432 of 2014 dt.17.08.2015 of the Hon'ble Supreme Court) to the petitioners by regularising their services from the date of completion of five years of their services for the purpose of their seniority, pension and other pensionary benefits only. No order as to costs.

5. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, MA and UD Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Secretary, Finance and Planning Department, Secretariat Buildings, Hyderabad, State of Telangana.
3. The Vice Chairman, Kakatiya Urban Development Authority, Warangal, Warangal District.
4. The Administrative Officer-II (Estt), Kakatiya Urban Development Authority, Warangal, Warangal District.
5. One CC to SRI P.RAGHAVENDRA REDDY, Advocate [OPUC]
6. One CC to SRI M.AJAY KUMAR, SC FOR KUDA [OPUC]
7. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

BSR
GJP

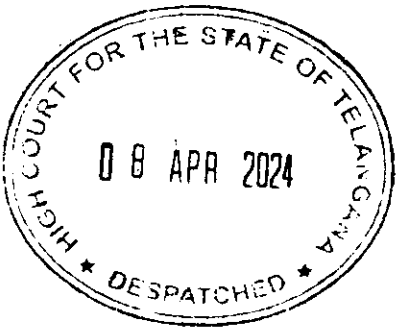
CHR

HIGH COURT

DATED: 22/02/2024

ORDER

WP(TR).No.5076 of 2017



ALLOWING THE WRIT PETITION (TR),

WITHOUT COSTS

CHR 16/3/24