

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION (TR) NO: 5769 OF 2017

Between:

1. A.Sudhakar Reddy, S/o Adi Reddy, 48 Years, Occ Junior Lecturer in Economics, Working on Minimum Time Scale Government Junior College (Boys) Siddipet. Medak District R/o H.No. 16-158/5A, Srinagar Colony, Siddipet, Medak District.
2. Y.Vivekananda Reddy, S/o Late Y.V.Subba Reddy, 53 Years, Occ Junior Lecturer in Zoology, Working on Minimum Time Scale, Government Junior College, Balkonda, Nizamabad District R/o Flat No. 305-A, Ashoka Towers, Near Baswa Gardens, Nizamabad.
3. D.Veera Reddy, S/o D.Pota Reddy, 51 Years, Occ Junior Lecturer in Economics, Working on Minimum Time Scale Government Junior College, Bheemghal. Nizamabad District R/o H.No. 3-74, Vijayapur Colony, Choudari Guda, Ghatakesar, R.R.District
4. P.Suresh Babu, S/o P.Narasaiah, 50 Years, Occ Junior Lecturer in Physics Working on Minimum Time Scale Government Junior College, Dharpally, Nizamabad District R/o 1-12-123/10, Vinayaknagar, Nizamabad.
5. V.Krishna Das, S/o V.Simhadri, 51 Years, Occ Junior Lecturer in Commerce, Working on Minimum Time Scale Government Junior College, Bheemghal, Nizamabad District R/o H.No. 5-84, Behind Rajesh Photo Studio, Mamidipally, Armoor Mandal. Nizamabad District.
6. G.Mallesham, S/o Late Bal Ram, Age 48 Years, Occ Junior Lecturer in History Working on Minimum Time Scale Government Junior college, Ramayampet, Medak District R/o H.No. 10-1-202, Mangammatota, Siddipet. Medak District, PIN-502103
7. K.Shashidhar Reddy, S/o K.Gal Reddy, 50 Years, Occ Junior Lecturer in Maths Working on Minimum Time Seale Government Junior College, Kondapak Medak District R/o H.No. 17-177/1, Flat No. 104, Haripriya Residency, Srinagar Colony, Siddipet. Medak District - 502103
8. K.Ashok , S/o Late K.Bhushana Chary 50 Years, Occ Junior Lecturer in Maths Working on Minimum Time Scale Government Junior College for Girls, Marredpalli, Secunderabad R/o H.No. 1-21-328/2, Chittaraiah Colony, Venkatapuram, Secunderabad - 15
9. B.Usha Rani. , D/o B.Lingaji Rao, 49 Years, Occ Junior Lecturer in Telugu Working on Minimum Time Scale Government Junior College, Makthal, Mahaboobnagar District R/o H.No. 4-242/2, Basaveswara Colony, Makthal, Mahaboobnagar District
10. G.Rama Rao, S/o Purushothama Rao, 45 Years, Occ Junior Lecturer in Physics Working on Minimum Time Scale Government Junior College, Banigandlapadu, Khammam District, R/o H.No. 12-169, Pullakhandam Vari Street. Behind Sri Chaitanya School, Madhira - 507 203, Khammam District
11. Pandari, S/o Bheemappa, 50 Years, Occ Junior Lecturer in Telugu Working on Minimum Time Scale Government Junior College, Marpally, Ranga Reddy

District R/o H.No. 4-7-226/293, Opp. S.P.Office, Vikarabad - 501 101, Ranga Reddy District.

12. H.Sathyanarayana, S/o Vittal Rao, 51 Years, Occ Junior Lecturer in Hindi, Working on Minimum Time Scale, Government Junior College for Boys, Adilabad, R/o H.No. 3-9-111, Ayyappa Nagar, Gujarathi Hindi High School, Weekly Market, Kamareddy, Nizamabad Dist.
13. G.Navarathna Kumar, S/o G.K.Das, 56 Years, Junior Lecturer in English, Working in Minimum Time Scale, Government Junior College for Girls, Jagityala, R/o H.No. 1-7-95, Kamala Nagar, ECIL, Hyderabad
14. G.Balreddy, S/o Sammi Reddy, 54 Years, Occ Junior Lecturer in History, Working on Minimum Time Scale Government Junior College, Chennur, R/o H.No. 2-29, Sundarsala, Duddenapalli (PO) Chennur Mandal. Adilabad District
15. N.Ramu, S/o Yadagiri sarma, 47 years, Occ Junior Lecturer in Sanskrit. Working on Minimum Time Scale Government City Junior College Beside High Court, Hyderabad
16. M.D.Farqundali Khan, S/o Mahmood Khan, 55 Years, Occ Junior Lecturer in History, Working on Minimum Time Scale Government Junior College, Bhaimsa, Adilabad District.
17. Md. Naseerudin, S/o Md.Khairuddin, 53 years, Occ Junior Lecturer in Urdu, Working on Minimum Time Scale, Government Junior Science College, Karimnagar, R/o H.No. 1-2-161, Old Bazar, Karimnagar
18. G.Nagendar Rao, S/o Lakshmi Narayana, 53 Years, Occ Junior Lecturer in Chemistry, Working on Minimum Time Scale, Government Junior College, Kharnam, R/o H.No. 10-1-43, Flat No. 401, Brundavan Apartments, Khammam
19. V.Ravinder, S/o Narasimha Chary, 53 Years, Occ Junior Lecturer in Physics Working on Minimum Time Scale Government Junior College, Kotagiri. R/o H.No. 1-1-439/1A, Yadagiribagh, Road No.1 Vinayak Nagar, Nizamabad (PO)
20. Ch.Venkataiah, S/o Muthaiah 52 Years, Occ Junior Lecturer in Civics Working on Minimum Time Scale Government Junior College, Narasampet, R/o H.No. 227/18, Shanthi Nagar, Narasampet. Warangal District.
21. B.Sunil Kumar, S/o B.Venkoba Rao 49 years, Occ Junior Lecturer in Maths Working on Minimum Time Scale, Govt. Junior College, Kothakota, R/o H.No. 8-7-35/6, Road No.7 Beside More Super Market, R.R.Nagar, Old Bowenpally, Secunderabad - 11

...APPLICANTS

AND

1. State of Telangana, Rep. by its Secretary to Govt., Finance (HRM-I) Department, Secretariat Building, Hyderabad
2. State of Telangana, Rep. by its Chief Secretary to Govt., Secretariat Building, Hyderabad
3. State of Telangana, Rep. by its Principle Secretary to Govt., (Intermediate Education,) Secretariat Buildings, Hyderabad
4. Commissioner of Intermediate Education State of Telangana, Nampally, Hyderabad
5. Regional Joint Director of Intermediate Education, State of Telangana, Hanamkonda, Warangal District, State of Telangana.

...RESPONDENTS

Petition under Section 226 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant appropriate relief declaring the action of the Respondents in not considering the cases of the Applicants for regularization against the regular vacancies while considering the cases of the contract lecturers for regularization in issuing G.O.Ms.No.16, Finance (HRM.I) Department malafide, unconstitutional and violating Article 14, 16 and 21 of the Constitution of India and issue consequential directions directing the Respondent to forthwith regularize the services of the Applicants against the regular posts of lecturers with all other consequential benefits with effect from the date of availability of regular vacancies with all consequential benefits including arrears of salary for the vacations, increments and revised pay scales and seniority etc., before considering the cases of contract lecturers in terms of G.O.Ms.No. 16 Finance (HRM.I) Department. dt. 26.02.2016 issued by the 1st Respondent

Counsel for the Petitioner: SRI. P. V. KRISHNAIAH

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P(TR).NO. 5769 OF 2017

ORDER:

In this writ petition, the petitioners are seeking direction to the respondents to consider their cases for regularization of their services in terms of the G.O.Ms.No.16, Finance (HRM-I) Department, dated 26.02.2016, since they were working against the regular vacancies and also to grant all consequential benefits with effect from the date of availability of regular vacancies including arrears of salary for the vacations, increments, revised pay scales and seniority, etc., and to pass such other order or orders in the interest of justice.

2. Brief facts leading to the filing of the present writ petition are that the petitioners were all engaged as part time lecturers in junior colleges in various subjects in various colleges in the Telangana region between 1987-1992. The Government had issued G.O.Ms.No.212, dated 22.04.1994, prescribing certain conditions for the regularization of contract/part time employees. The cutoff date for fulfillment of the condition was on 25.11.1993 and some of the persons who fulfilled such conditions were regularized, but the services of the

petitioners have not been regularized on the sole ground that technically they have not completed five years of service as on the aforesaid cutoff date. Thereafter, the petitioners continued to work as lecturers. In the meantime, the G.O.Ms.No.166, Education (C.E.-I) Department, dated 08.06.1994, was issued by the Government with respect to the part time lecturers who have put in five years of service by 25.11.1993 and who satisfied the various other conditions imposed in G.O.Ms.No.212, dated 22.04.1994 and such of the part time lecturers who completed five years of service as on 25.11.1993 were also regularized. However, the petitioners have not been regularized since they did not complete 5 years of service. The petitioners, were however, granted a minimum pay scale in terms of the decision of the Andhra Pradesh Administrative Tribunal in O.A.No.7956 of 2002, dated 17.10.2016. However, the petitioners were not paid the salary for the vacation period and were also not paid, the other benefits like House Rent Allowance, Leave Encashment, Earned Leave, Medical benefits, etc. Therefore, the petitioners filed O.A.No.1275 of 2016 before the Andhra Pradesh Administrative Tribunal and at the time of admission, the Tribunal has granted interim order directing the respondents to

consider the case of the petitioners for the payment of above benefits and also for regularization of their services.

3. On abolition of the Tribunal, the O.A., has been transferred to this Court and renumbered as W.P.(Tr).No.5769 of 2017.

4. Learned Government Pleader for Services-I has filed a counter affidavit as well as a stay vacate petition stating that the G.O.Ms.No.212, dated 22.04.1994, was only a one time measure and since the petitioners did not fulfill the conditions prescribed under the said G.O., their services cannot be regularized.

5. Subsequently, the respondents have passed the orders of regularization of the services of the petitioners, however, with effect from the date of the order i.e., 28.06.2022. Therefore, the petitioners have filed an additional affidavit bringing all the relevant facts on record and the respondents have also filed a counter affidavit to the additional affidavit filed by the petitioners.

6. Learned counsel for the petitioners submitted that the issue is now covered by the decision of the Division Bench of

this Court in W.P.No.41797 of 2015, wherein the Division Bench has held that the petitioners therein would be entitled to regularization of their services from the date they completed five years of service but would not be entitled to any monetary benefits in terms of arrears of pay, but would be eligible for notional fixation of pay and seniority. It is further submitted that the Hon'ble Supreme Court in Special Leave (c) No.13813 of 2018 confirmed the order of the Division Bench of this Court.

7. Learned Government Pleader for Services-I, however, relied upon the judgment of the Hon'ble Supreme Court in the case of **Surendra Kumar and Others Vs. Greater Noida Industrial Development Authority and Others**¹, for the proposition that the contractual employees are entitled to the benefit of regularization only from the date of availability of the vacancy and not otherwise or on fulfillment of the necessary conditions for such regularization. He further placed reliance upon the judgment of Hon'ble Supreme Court in the case of **Divisional Manager, Aravali Golf Club and Another Vs. Chander Hass and Another**², for the proposition that the Courts cannot direct the respondents to create the posts and to

¹ (2015) 14 SCC 382

² (2008) 1 SCC 683

regularize the services of the persons as it would be without jurisdiction.

8. Having regard to the rival contentions and the material on record, this Court finds that since the services of the petitioners have been regularized from 28.06.2022, the only issue pending is whether they are eligible for regularization with effect from the retrospective date of completion of 5 years of service or from the date of availability of vacancies. The petitioners have been contesting before the Tribunal and also before this Court that they are entitled to regularization of their services since they have put in more than two decades of service. The respondents have considered their cases and have accepted their contentions for regularization but have only granted prospective regularization. However, it is also noted that several of the petitioners have since retired from services prior to the date of regularization i.e., 28.06.2022 and they would be deprived of any of the benefits of regularization. As held by the Division Bench of this Court in W.P.No.41797 of 2015, the petitioners are eligible for regularization from the date of completion of five years of service or from the date when the

regular vacancies are available against which their services have been regularized, whichever is later.

9. In view of the same, this Court deems it fit and proper to direct the respondents to consider and regularize the services of the petitioners in the order of their seniority from the date on which the regular vacancies have arisen and the petitioners have also fulfilled the conditions of putting in more than five years of service. The judgment of the Division Bench of this Court has also been confirmed by the Hon'ble Supreme Court in the case of **The Greater Hyderabad Municipal Corporation rep. by its Commissioner and Others Vs. P.Lingamma and Others**³.

10. In view of the above, the writ petition is allowed and the respondents are directed to regularize the services of the petitioners notionally from the date of their completion of five years and the availability of the regular vacancy in the order of their inter-se seniority whichever is later. The respondents are further directed to pass appropriate orders and also grant relief to the petitioners within a period of Six (6) months from the date

³ SLA (c) No. 13813 of 2018

of receipt of a copy of this order. There shall be no order as to costs.

11. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Secretary to Govt., Finance (HRM-I) Department, Secretariat Building, Hyderabad
2. The Chief Secretary to Govt., Secretariat Building, Hyderabad
3. The Principle Secretary to Govt., (Intermediate Education,) Secretariat Buildings, Hyderabad
4. The Commissioner of Intermediate Education State of Telangana, Nampally, Hyderabad
5. The Regional Joint Director of Intermediate Education, State of Telangana, Hanamkonda, Warangal District, State of Telangana.
6. One CC to SRI. P. V. KRISHNAIAH, Advocate [OPUC]
7. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies
B M
GJP

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HIGH COURT

DATED:31/12/2024

ORDER

WP(TR).No.5769 of 2017



ALLOWING THE WRIT PETITION (TR)
WITHOUT COSTS

(11) Copies

Sd/-
5/2/25