APHC010711502025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 36857 OF 2025

Between:

1. Darelli Kantharao, , S/o.John Ramaiah, Aged 57 Years, R/o. D.No.24-37, Mohanarao Nagar, Kondapalli, Krishna District - 521 228.

2. Peyyala Yesupadam,, S/o. Asirwadham, Aged 49 Years, R/o. D.No.6-113, Rayanapadu, Krishna District - 521 241.

3. Valluri Tirupati Rao,, S/o. Bazaru, Aged 50 Years, R/o. D.No.24-39, Dr.Mohanarao Nagar, Kondapalli, Krishna District - 521 228.

4. Sarimalla Girson,, S/o. Moshe, Aged 53 Years, R/o. D.No.25-126, Harijana Wada, M Peta, Kondapalli, Krishna District - 521 228.

5. P.Ravi Babu,, S/o.Raja Rao, Aged 56 Years, R/o. D.No.29-259, RCM New Colony, Kondapalli, Krishna District - 521 228.

6. Sanam Bala,, S/o.Sanam Venkateswarlu, Aged 54 Years, R/o.D.No.33-385, Nethaji Nagar, B-Colony, Ibrahimpatnam, Kondapalli, Krishna District - 521 456.

7. Modugu Benjimen,, S/o Deva Sahayam, Aged 50 Years, R/o D.No.34-454, Chaitanya Nagar, B Colony, Kondapalli, Krishna District - 521 228.

8. Vanama Sudhakar,, S/o.Yesupadam, Aged 52 Years, R/o D.No.29/208, RCM New Colony, Kondapalli, Krishna District - 521 228.

9. Battu David Raju,, S/o.Kanakaiah, Aged 54 Years, R/o D.No.6-133, Rayanapadu, Krishna District - 521 241.

10. Gunaganti Venkateswara Rao,, S/o.Narayana, Aged 54 Years, R/o.D.No.2-6, Velaturu, G.Konduru, Krishna District - 521 229.

11. Jetty Adinarayana,, S/o. Sittharamaiah, Aged 50 Years, R/o. D.No.14-47/1, Yadavulu Bazar, Kondapalli District - 521 228.

12. Kollusu Yedukondalu, , S/o. Veeraswami, Aged 54 Years, R/o. D.No.14-41/2, Yadava Bazar, B.C.Colony, Kondapalli, Krishna District - 521 228.

13. Vaddeswarpu Srinivasa Rao,, S/o.Subba Rao, Aged 52 Years, R/o. D.No.8-40, Backside of Boys High School, Kondapalli, Krishna District - 521 228.

14. Thota Narasimha Rao,, S/o.Venkata Narayana, Aged 52 Years, R/o D.No.16-59, Sivalayam Street, Ferry, Ibrahimpatnam, Krishna District - 521 456.

15. Battu Dasu,, S/o Battu Jayaraju, Aged 52 Years, R/o D.No.6-107, Rayanapadu, Krishna District - 521 241.

16. Ramala Prasada Rao,, S/orBhikshmayya, Aged 48 Years, R/o D.No.24-225/1, Rajeev Nagar, Kondapalli, Krishna District-521 228.

17. Battula Sivarama Krishna,, S/o. B.Nageswar Rao, Aged 54 Years, R/o Block No.408, Lotus Towers, Tiruvur Bypass Road, Kondapalli, NTR District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Energy Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

2. The Andhra Pradesh Power Generation Corporation Limited, Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada-520004.

3. The Chief Engineer, Dr.Narla Tatarao Thermal Power Station, Ibrahimpatnam, Vijayawada-521456.

...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 topleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned action of the respondents in not considering petitioners for regularization, while considering similarly situated Contract Labour, only for the reason that they approached this Honble Court, who have been regularized as per the orders of this Honble Court in W.P.No.652of 2012, dt 19.12.2023, as highly illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India, apart from law laid down by Honble Supreme Court in the case of Dharam Singh Vs. State of U.P, in Civil Appeal

No.8558 of 2018, dt 19.08.2025 and consequently direct the respondents to regularize the service of petitioners.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to consider the case of the petitioner for regularization as per the principles laid down by Hon'ble Supreme Court in Dharam Singh Vs. State of U.P, in Civil Appeal No.8558 of 2018, dt 19.08.2025, pending disposal of the above Writ Petition and pass

Counsel for the Petitioners: G V SHIVAJI
Counsel for the Respondents: GP FOR SERVICES I Counsel for the Respondents:K.KRISHNABUSHAN CHOWDARY SC For APGENCO

WRIT PETITION NO: 3564 OF 2026

Between:

1. RAKKISU SRINIVASA RAO, S/oNegeswara Rao, Aged 50 Years, R/D.No.l4-12, Market Center, Kondapalli, Krishna District - 521 228.

2. Kavvuri Chitri Babu,, S/oJeevaratnam, Aged 47 Years, R/oD.No.24-193, Rajeev Nagar, Kondapalli, Krishna District - 521 228.

...Petitioners

AND

1. THE STATE OF AP, Rep by its Principal Secretary, Energy Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

2. The Andhra Pradesh Power Generation Corporation Limited, Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada-520004.

3. The Chief Engineer, Dr.Narla Tatarao Thermal Power Station, Ibrahimpatnam, Vijayawada-5 21456. 3.

...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 topleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned action of the respondents in not considering petitioners for

regularization, while considering similarly situated Contract Labour, only for the reason that they approached this Honble Court, who have been regularized as per the orders of this Honble Court in W.P.No.652 of 2012, dt 19.12.2023, as highly illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India, apart from law laid down by Honble Supreme Court in the case of Dharam Singh Vs. State of U.P, in Civil Appeal No.8558 of 2018, dt 19.08.2026 and consequently direct the respondents to regularize the service of petitioners, in the interest of justice and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to consider the case of the petitioners for regularization, as per the principles laid down by Hon'ble Supreme Court in Dharam Singh Vs. State of U.P, in Civil Appeal No.8558 of 2018, dt 19.08.2026, pending disposal of the above Writ Petition and pass

Counsel for the Petitioners: G V SHIVAJI
Counsel for the Respondents: GP FOR SERVICES I
Counsel for the Respondents:K.KRISHNABUSHAN CHOWDARY SC For APGENCO

WRIT PETITION NO: 11671 OF 2026

Between:

1. C SRINIVASA REDDY, , S/o C.Narayana Reddy, Aged 54 Years, R/o D.No.3-58/1, Crane Nut Powder Street, Near Andhra Bank. Ibrahimpatnam, Krishna District-521456

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep by its Principal Secretary, Energy Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

2. The Andhra Pradesh Power Generation Corporation Limited, Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadaia, Vijayawada-520004.

3. The Chief Engineer, Dr.Narla Tatarao Thermal Power Station, Ibrahimpatnam, Vijayawada-521456.

...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 topleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned action of the respondents in not considering petitioner for regularization, while considering similarly situated Contract Labour, only for the reason that they approached this Honble Court, who have been regularized as per the orders of this Honble Court in W.P.No.652 of 2012, dt 19.12.2023, illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India, apart from law laid down by Honble Supreme Court in the case of Dharam Singh Vs. State of U.P, in Civil Appeal No.8558 of 2018, dt 19.08.2026 and consequently direct the respondents to regularize the service of petitioner, with all consequential benefits, in the interest of justice and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to consider the case of the petitioners for regularization, as per the principles laid down by Hon'ble Supreme Court of India in Dharam Singh Vs. State of U.P, in Civil Appeal No.8558 of 2018, dt 19.08.2026, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner: G V SHIVAJI
Counsel for the Respondents: GP FOR SERVICES I
Counsel for the Respondents:K.KRISHNABUSHAN CHOWDARY SC For APGENCO

The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.Nos.36857 of 2025 and 3564 & 11671 of 2026

COMMON ORDER:

The present batch of writ petitions is filed seeking for regularization of services of the Petitioners on par with similarly placed persons working in the 2nd Respondent-Corporation as per the orders of this Hon'ble Court in W.P.No.652 of 2012 dated 19.12.2023

2) As the issue in these writ petitions is common, with the consent of learned counsels, the matters were taken up together and are being disposed of by this common order.

3) The Petitioners are working as contract labour at Dr. NTTPS (Vijayawada) Thermal Power Station, for maintenance of Railway Siding and Marshalling yard in the location of Coal gavel, since 1996.

4) While so, the State Government had issued a G.O.Ms.No.41, dated 23.09.1996 prohibiting the employment of contract labour in 33 categories. G.O.Ms.No.41 was issued in exercise of power under Section 10(1) of the Contract Labour (Regulation and Abolition) Act, 1970. In pursuance of the notification, the then APSEB had issued B.P.Ms.No.37, dated 18.05.1997 and B.P.Ms.No.272, dated 31.12.1997, framing a scheme for absorption of all those contract labour working in the abolished categories.

5) As the Petitioners are working in the abolished categories, they had filed W.P.No.8678 of 1998 before this Court and the same was disposed of on 05.07.1999 directing the Respondents to consider the claim of the Petitioners for absorption as Mazdoor on par with those absorbed in KTPS.

6) In W.A.No.115 of 2001, the APSEB stated that the Petitioners do not come in the scope of abolished categories and do not come in the scope of B.P.Ms.No.37, dated 18.051997. As there is a disputed question of fact, the Division Bench directed Petitioners to work out their remedies before an appropriate forum.

7) While so, W.P.No.652 of 2012 was filed before this Court by persons similarly placed wherein a direction was sought to absorb the Petitioners therein in the available vacancies. In the facts of that case, the Petitioners therein had filed an application before the Deputy Commissioner of Labour, Eluru, as eligible for absorption in the 2nd Respondent-Corporation. The said order was upheld in W.P.No.26954 of 2001 vide order dated 13.04.2004 and confirmed in W.A.No.1012 of 2004 vide order dated 21.07.2005. Considering the submissions, the writ petition was disposed of directing the Respondent-Corporation to absorb the Petitioners therein in any suitable posts. The relevant portion of the order is extracted as under:

> *"15. For the aforementioned reasons discussed the respondents are hereby directed to absorb the petitioners for any suitable post as available with the respondents. The petitioners shall not be*

entitled for any back wages or any consequential benefits. The respondents shall issue appropriate orders regularizing the petitioners within a period of eight weeks from the date of receipt of this order."

Since the Petitioners are similarly placed, they seek for the same relief.

8) In the counter affidavit filed by the Respondents, it is stated that though the State Government had prohibited the engagement of contract labour under the said 33 categories, the maintenance works are being continued through the Petitioners along with some other works on contract basis. It is further stated that the absorption of the persons similarly placed as the Petitioners was going on in terms of B.P.Ms.No.37, dated 18.051997. While so, persons similarly placed as Petitioners had filed W.P.No.652 of 2012 and their services were regularized in terms of the orders of this Court.

9) Heard Sri G.V. Shivaji, learned counsel for Petitioners, Sri Kilaru Krishna Bushan Chowdary, learned counsel for Respondent Nos.2 and 3 and learned Government Pleader for Services-I for Respondent No.1.

10) In the counter affidavit, it was admitted by the Respondents that the Petitioners are similarly placed as the Petitioners. The Paragraph 13 of the counter affidavit is extracted below:

13. The Government of Andhra Pradesh has constituted a Committee to identify the various categories of posts wherein perennial nature of works there and contract labors are engaged for discharging such nature of works. After enquiry, the said Committee has identified 33 categories of posts in the generating stations of the then APSEB and submitted a report. In pursuance of the said report, Government of A.P. issued G.O.Ms.No.41, dated 23.09.96 prohibiting the engagement of

Contract labourers in 33 categories of posts specified therein, in exercise of powers under Section 10 of Contract Labour (Regulation and Abolition) Act, 1970. The maintenance works are, however, to be continued along with some other works mentioned therein. In pursuance of the said G.O. the then APSEB issued B.P.Ms.No.37, dated 18.05.1997, B.P.Ms.No.260, dated 19.12.1997, B.P.Ms.No.272, dated 31.12.1997 and B.P.Ms.No.326, dated 14.03.1998, wherein the guidelines were issued to absorb personnel engaged in the prohibited categories. While the process was going on, many candidates like the Petitioners in W.P.No.652 of 2012 claimed the benefits of above stated B.P.M.s, though they are not entitled for such consideration, some of the W.Ps referred to the DCL and DCL has given eligibility as per aforesaid B.P.M.S and the Hon'ble High Court of A.P. in W.P.No.652 of 2012 directed to absorb the Petitioners in any suitable posts as available with the Respondents. The Petitioners shall not be entitled for any back wages or any consequential benefits. In view of aforesaid directions, the services of Petitioners in W.P.No.652 of 2012 were regularized with prospective effect only.

10) In the light of the admission in the counter affidavit filed by the Respondents 2 and 3, there is no requirement for declaration of entitlement of Petitioners for absorption. As the Petitioners are similarly placed as that of Petitioners in W.P.No.652 of 2012, the Petitioners are entitled for the same relief. Therefore, the writ petition is disposed of in terms of the directions in W.P.No.652 of 2012, as follows:

(i) The Respondents are directed to absorb the Petitioners in any suitable posts as available with the Respondents.

(ii) The Petitioners shall not be entitled for any back wages or any consequential benefits.

(iii) The Respondents shall issue appropriate orders regularizing the Petitioners, within a period of eight (8) weeks from the date of receipt of this order.

(iv) There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 28.10.2026

KKV/VSR