APHC010532772024

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 27753 OF 2024

Between:

1. BESTHA RAMUDU, S/o B.Ch.Hanumanna, aged 56 years, Occ. Office Sub-Ordinate, O/o Executive Engineer, Protection Works Division A-Camp, F.R.L Compound, Kurnool.

...PETITIONER

AND

1. THE STATE OF AP, rep. by its Principal Secretary, Water Resources Department Secretariat, Velagapudi, Guntur District.

2. The State of Andhra Pradesh, rep. by its Principal Secretary, Finance and Planning Department, Secretariat, Velagapudi, Guntur District.

3. The EngineerinChief Admn, State of A.P. Water Resources Department 2nd Floor,Jalasoudha Building, Irrigation Compound,Governorpet,Vijayawada.

4. The Superintending Engineer, Dam Maintenance Circle,NSRSS Project, Srisailam Dam East, Nandyal District.

5. The Executive Engineer, Protection Works Division, A-Camp, .FR.L Compound, Kurnool.

...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 issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not considering the petitioners representation dated 10-9-2024, which is submitted

for regularization of the petitioners services in the Last Grade Service of Office Sub-Ordinate w.e.f 25.11.1993 on par with others as per the Division Bench orders in WP.No.33936/2011 and Batch cases, dated 02.5.2018, which is confirmed by the Honble Supreme Court in SLP.No.13813/2018, dated 03.07.2024 as illegal, arbitrary and discrimination and consequentially the Hon'ble Court may pleased to direct the respondents herien to consider the petitioner representation dated 10.09.2024, for regularization of the petitioners services w.e.f. 25.11.1993 for the purpose of getting pension as per the Division Bench orders in W.P.No.33936/2011 and Batch cases, dated 02.05.2018, and consequential orders passed by the Hon'ble Supreme Court in SLP.No.13813/2018, dated 23.07.2024 and may pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Cour may be pleased to direct the respondents herein to considering the petitioners representation dated 10.09.2024 for regularization of his services in the Last Grade Service of Office Sub-Ordinate w.e.f 25.11.1993 as per the Division Bench orders in WP.No.33936/2011 and Batch cases, dated 02.05.2018, and consequential orders passed by the Hon'ble Supreme Court in SLP.No.13813/2018, dated 23.07.2024, pending disposal of the writ petition and may pass

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 to grant leave in filing the counter affidavit in W.P. No.27753 of 2024 and to pass

Counsel for the Petitioner: M R TAGORE

Counsel for the Respondents: GP FOR SERVICES III

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following ORDER:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION: 27753 OF 2024

ORDER:

The Writ Petition is filed seeking the following relief:

> *"…pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not considering the petitioners representation dated 10-9-2024, which is submitted for regularization of the petitioners services in the Last Grade Service of Office Sub-Ordinate w.e.f 25.11.1993 on par with others as per the Division Bench orders in WP.No.33936/2011 and Batch cases, dated 02.5.2018, which is confirmed by the Honble Supreme Court in SLP.No.13813/2018, dated 03.07.2024 as illegal, arbitrary and discrimination and consequentially the Hon'ble Court may pleased to direct the respondents herien to consider the petitioner representation dated 10.09.2024, for regularization of the petitioners services w.e.f. 25.11.1993 for the purpose of getting pension as per the Division Bench orders in W.P.No.33936/2011 and Batch cases, dated 02.05.2018, and consequential orders passed by the Hon'ble Supreme Court in SLP.No.13813/2018, dated 23.07.2024 …"*

2. The case of petitioner is that he was appointed as an HR Worker on 15.02.1988, with SSC qualification, under the control of Superintending Engineer, Telugu Ganga Project Circle, Nandyal. In terms of G.O.Ms.No.212, F&P Department, dated 22.04.1994, his services were regularized vide G.O.Ms.No.39, I & CAD Department, dated 24.04.2010. Consequently, 4th respondent issued proceedings No.SE/DNC/EB/EC.1/E.10/438, dated 19.05.2010, regularizing his services in the Last Grade Service as an Office Subordinate and posting him to 5th respondent's office, where he joined duty on 25.05.2010. However, his services were regularized with effect from 19.10.2010, instead of from the date of completion of five years of service, as contemplated under G.O.Ms.No.212. Petitioner contends that his services

ought to have been regularized much earlier, prior to 1995, and that respondents' inordinate delay in doing so has adversely affected him and similarly situated employees.

3. Heard Sri M.R.Tagore, learned counsel for petitioner and Sri S. Sharat Kumar, learned Assistant Government Pleader appearing for respondents.

4. Learned counsel for petitioner submits that the regularization was made in terms of G.O.Ms.No.212, which clearly provides that persons who had completed five years of service as on 25.11.1993 are eligible for regularization under the said G.O. Therefore, case of petitioner ought to have been considered for regularization with effect from 25.11.1993, as by that date he had completed more than five years of service and was thus entitled for regularization with effect from the said date. He further submits that, without considering the aforesaid aspect, respondent authorities issued proceedings regularizing the services of the petitioner only with effect from the date of issuance of above said order dated 24.04.2010.

5. Respondents have filed their counter, wherein it is stated that G.O.Ms.No.212 dated 22.04.1994 is prospective in nature and petitioner does not come under the said G.O. It is further stated that since the regularization was made in the year 2010, he cannot seek all benefits of regularization of service retrospectively as the proceedings issued were prospective in nature and there is no illegality in the proceedings issued by fixing the date of order as the date of regularization.

6. However, a similar issue fell for consideration before this Court which was ultimately landed in the Hon'ble Apex Court in ***B.Srinivasulu S/o Padmabaiah & Ors vs. The Nellore Municipal Corporation & Ors*** [1]**,** wherein, the Hon'ble Apex Court held that:

> *The leaned counsel for the appellants argued that there is no justification for restricting the benefit of regularization with effect from 27.11.2011. The opinion of the High Court that as the appellants did not approach the Tribunal till 2011 they are not entitled for the regularization on the ground of latches is not tenable.*
>
> *We find it difficult to accept the reasoning adopted by the High Court. The right of the appellants to seek regularization flows from the G.O.No.212 dated 22.04.1994. The appellant have been in service of the first respondent not only prior to the issuance of the said G.O. but even subsequent to the issue of G.O. till today. The respondent Municipality being a statutory body is obliged by the G.O. 212 (supra). Inspite of the above mentioned G.O. the respondents kept quite for almost 20 years with regularizing the service of the appellants and continued to extract work from the appellants.*
>
> *In the circumstances, refusing the benefit of the above mentioned G.O. on the ground that the appellants approached the Tribunal belatedly, in our opinion, is not justified. In the circumstances, the appeal is allowed modifying the order under appeal by directing that the appellants' services be regularized with effect from the date of their completing their five years continuous service as was laid down by this Court in* ***District Collector/Chairperson & Others vs. M.L. Singh & Ors****. 2009 (8) SCC 480.*

[1] (2021) 13 SCC 460 - Civil Appeal No.6318 of 2015

7. By following the above said judgment, the Division Bench of this Court reiterated the same in ***W.P.Nos.33936 of 2011 and batch***[2] dated 02.05.2018, and held that the petitioners are entitled for regularization from the date of completion of five years of service as, on or before 25.11.1993. The relevant portion is extracted hereunder:

> *"On the above analysis, the Writ Petitions are disposed of directing the authorities concerned to extend the benefit to B.Srinivasulu (1 supra) to the employees of this batch of cases by reckoning their services from the date of completion of five years in service, on or before 25.11.1993, for the purposes of their pension and pensionary benefits. They shall however not be entitled to actual monetary benefits for the said period, in the form of arrears of pay or allowances."*

8. Though the said issue was also carried before the Hon'ble Apex Court, the Special Leave Petition in S.L.P.No.13818 of 2018 and batch of cases was dismissed.

9. On considering the submissions made on either side, this Court is of the considered view that, as petitioner had completed five years of service as on 25.11.1993, his services are liable to be regularized with effect from the said date. Although the regularization proceedings were initially issued on 24.04.2010 with prospective effect, the services of petitioner from 25.11.1993 shall be taken into account for the purpose of pension and pensionary benefits. However, petitioner shall not be entitled to any monetary benefits arising out of such retrospective regularization.

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[2] 2018 (4) ALT 6 (D.B.)

10. Accordingly, the Writ Petition is ***allowed*** and respondents are directed to consider the case of petitioner for regularization of his service with effect from 25.11.1993 for the purpose of pension and pensionary benefits only, within a period of four (04) months from the date of receipt of a copy of this Order. It is made clear that petitioner shall not be entitled to actual monetary benefits for the said period in the form of arrears of pay or allowances. No order as to costs.

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

JUSTICE BALAJI MEDAMALLI

Date: 04.11.2026
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THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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