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**(2022) 09 TEL CK 0006**  
**In the Telangana High Court**  
**Case No : Writ Appeal No. 1371 Of 2018**

Dr. T.P.Sreenivasan

APPELLANT

Vs

State Of Telangana

RESPONDENT

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**Date of Decision :** 02-09-2022

**Acts Referred:**

**Citation :** (2022) 09 TEL CK 0006

**Hon'ble Judges :** Ujjal Bhuyan, CJ;C.V.Bhaskar Reddy, J

**Bench :** Division Bench

**Advocate :** S Gopal Rao

**Final Decision :** Dismissed

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## Judgement

1. The writ appeal is directed against the order passed in W.P.No.21442 of 2004 dated 10.09.2018, whereby and whereunder the learned Single Judge dismissed the writ petition filed by the appellant herein.

2. The prayer sought in the writ petition was to call for the records relating to the proceedings of the first respondent i.e., the Principal Secretary, Higher Education Department in issuing G.O.Ms.No.739, dated 07.10.2004 and quash the same and further consequently prayed to direct the respondents to fix the pay of the petitioner under the Career Advancement Scheme laid down in para 4 of G.O.Ms.No.520, dated 15.12.1988; with effect from 13.11.1988 with all consequential benefits like arrears etc.

3. The material facts which need to be summarised for the purpose of disposing of the present appeal are as follows:-

(i) The petitioner was initially appointed as part-time Lecturer in Geology Department by the Principal, Bhavan's New Science College, Hyderabad on 21.12.1981 and he was continued till March, 1982. Thereafter, the management of the college issued notification inviting applications from the eligible candidates for the post of Lecturer in various subjects including Geology, the subject in

which the petitioner was appointed. In pursuance of the said notification, petitioner applied for the post in Geology Department and he was selected by the Selection Committee by order dated 13.11.1984 and the same was approved by the Osmania University. Later, the Correspondent of the college addressed a letter to the second respondent i.e., Director of Collegiate Education, seeking permission to absorb the petitioner as full time Lecturer and the same was turned down by proceedings dated 02.12.1991. Questioning the same, the petitioner filed W.P.No.17066 of 1991 and during the pendency of the said writ petition, he remained out of service from June, 1992. The said writ petition was allowed by order dated 21.04.1993 directing the respondents to reinstate the petitioner within two months from the date of receipt of the copy of the said order, but without any back wages by regularising his services. It was further directed that the pay of the petitioner shall be fixed by taking into the notional seniority. Pursuant to the said order, the petitioner was reinstated.

(ii) However, questioning the pay fixation done by the management and seeking to fix his pay in senior scale of Rs.3000 – Rs.5000/-, the petitioner filed W.P.No.12321 of 1994 before this Court. The said writ petition was disposed of by order dated 07.11.1996 directing the first respondent to pass appropriate orders in accordance with law within a period of three months for considering the claim of the petitioner in fixation of pay under the Career Advancement Scheme. Thereafter, the first respondent issued a Memo dated 04.11.1997 rejecting the claim of the petitioner.

(iii) Aggrieved by the Memo dated 04.11.1997, the petitioner filed W.P.No.30757 of 1997 and the same was disposed of by order dated 25.03.2004 directing the first respondent to consider the case of the petitioner for regularisation of his services as Lecturer in Geology in terms of the Judgment of this Court in W.P.No.17066 of 1991, dated 21.04.1993 and further observed that if the services of the petitioner are regularised from a date anterior to the date of his reinstatement to service, the petitioner shall also be entitled to and be admitted to all consequential and incidental benefits of the Career Advancement Scheme. Alleging that the order dated 25.03.2004 passed in W.P.No.30757 of 1997 is not complied with, the petitioner filed contempt petition and thereafter, the first respondent issued proceedings in G.O.Rt.No.739, dated 07.10.2004 regularising the services of the petitioner with effect from 12.08.1993. Claiming that the petitioner is entitled for regularisation of his services with effect from 13.11.1984, the petitioner filed the subject writ petition.

(iv) The writ petition was contested by the respondents by filing counter affidavit. It is contended that the management of the college issued notification on 15.06.1984 for part-time Lecturer in Geology Department and the petitioner was selected for the said post and in the orders issued by the management, it was categorically stated that his appointment was only on part-time basis and terminable without any notice. As per the said condition, the services of the petitioner have been terminated from time to time and given appointment for

subsequent years depending upon the need in the subject and workload. The request of the management of the college for regularisation of the services of the petitioner was rejected vide proceedings No.917/PC.III-1/90, dated 02.12.1991 as his appointment was part-time Lecturer and there are no Government Orders issued for regularising the services of the part-time Lecturers on that date and till 1991 and therefore, the management has terminated the services of the petitioner every year and appointing him whenever there is a need. The post on which the petitioner was appointed was not advertised for regular Lecturer and he was not selected as a regular Lecturer and his services were regularised with effect from 12.08.1993 in compliance with the order passed by this Court in W.P.No.17066 of 1999, dated 21.04.1993.

(v) The respondent further contended that the Government issued G.O.Ms.No.302, dated 23.08.1991 for regularization of services of the part-time Lecturers under limited recruitment for part-time Lecturers, who have to undergo selection process as contemplated in the said G.O. The eligibility criteria for considering their case was that the part-time Lecturers should have put in 2 ½ years or more service and should be continuing in service on the last date of the academic year 1990-91 and should also be continuing as on the date when the management sent proposals to the Regional Joint Director. As the petitioner was not eligible for regularisation of services, his services were not regularised. However, in compliance with the orders passed by this Court in W.P.No.17066 of 1991, dated 21.04.1993, the second respondent issued proceedings directing management of the college to reinstate the petitioner into service with immediate effect. Pursuant to the same, the petitioner joined the said post on 12.08.1993. Accordingly, the salary was fixed to the petitioner from the date of his joining as a regular Lecturer and the salary statement was also approved by proceedings, dated 05.03.1994, with effect from 12.08.1993. Thereafter, the petitioner submitted a representation seeking regularisation of his services from the date of his initial appointment, i.e., 13.11.1984 and the same was rejected vide proceedings dated 07.06.1994. Therefore, the petitioner is not eligible for regularisation of his services with effect from 13.11.1984 and prayed for dismissal of the writ petition.

(vi) The learned Single Judge after considering the entire material, arguments advanced by the respective counsel and taking into consideration of the settled service law principles, dismissed the writ petition by order dated 10.09.2018. The relevant portion of the impugned order reads as under:

8. Insofar as W.P. filed by the petitioner i.e., W.P.No.15366 of 2001 is concerned, the prayer therein was for issuance of writ of Certiorari calling for the records regarding seniority list of lecturers dated 06.07.2001 issued by the college; for quashing the same and for directing the management to place the petitioner at an appropriate place reckoning his seniority from 13.01.1984. In the said writ petition, the issue whether the service rendered prior to regularization can be reckoned or not for the purpose of seniority was not taken into account. As per

the service jurisprudence, there cannot be any seniority even before regularization of services. At best, the services rendered prior to regularization can be counted for the purpose of pensionary benefits only, if at all the petitioner is entitled to. Moreover, when a specific finding was recorded in the judgment in W.P.No.17066 of 1991, dated 21.04.1993 that the petitioner was out of employment from June, 1992 till he was reinstated in pursuance of the judgment passed in W.P.No.17066 of 1991 in the year 1993 and when there was a gap in the services of the petitioner for a period of more than two years, there cannot be any retrospective regularization with effect from 13.11.1984. Therefore, this Court is of the view that the first respondent has rightly regularized the services of the petitioner vide G.O.Rt.No.739, dated 07.10.2004 with effect from 12.08.1993 in terms of the judgment in W.P.No.17066 of 1991, dated 21.04.1993. There are no merits in the writ petition.

9. Accordingly, the Writ Petition is dismissed.

No costs.

4. Aggrieved by the above order, the present writ appeal is filed.

5. Learned counsel for the appellant/petitioner contends that the respondents have not fixed his pay strictly in terms of the G.O.Ms.No.520, dated 15.12.1988 and the appellant/petitioner is entitled for regularisation of his services with effect from 13.11.1984 with all consequential benefits in terms of the order passed by this Court in W.P.No.17066 of 1991, dated 21.04.1993 and the appellant/petitioner's pay shall be fixed taking into account the notional seniority with effect from 13.11.1984. He further submits that the appellant/petitioner filed W.P.No.15366 of 2021 regarding fixation of seniority and the same was disposed of on 23.08.2012 with a clear finding that the appellant/petitioner's services have to be reckoned with effect from 13.11.1984 for the purpose of seniority and the said date has to be taken into account for the purpose of granting fixation of pay scales under Career Advancement Scheme i.e., senior scale on completion of five years i.e., 13.11.1989 and Selection Grade Scale on completion of five years i.e., 13.11.1994. He further contends that the learned Single Judge has not taken into consideration that the appellant/petitioner was appointed by the duly constituted Selection Committee vide orders dated 13.11.1984 and the same was approved by the University, as the appellant/petitioner was appointed in a vacancy admitted in Grant-in-aid and thereby he is entitled for regularisation of services in terms of G.O.Ms.No.905, dated 29.09.1976 and seeks for allowing the writ appeal as prayed for.

6. Per contra, learned Government Pleader for respondents submits that the appellant/petitioner was initially appointed as part-time Lecturer by the Selection Committee of the College, his services were terminated time to time and depending upon the need of the workload, he was re-appointed as temporary part-time Lecturer and as such, he was never treated to be appointed as a regular Lecturer for giving benefits of regularisation with effect from the date of

his initial appointment i.e., 13.11.1984. She further submits that G.O.Ms.No.302, dated 23.03.1991 specifically stipulates the eligibility criteria for considering the case of part-time Lecturers for regularisation and the petitioner did not fit into the said eligibility criteria, as such there is no illegality or irregularity in rejecting the claim of the petitioner and supported the reasoning given by the learned Single Judge for sustaining order.

7. Considered the rival contentions and also perused the materials on record.

8. The appellant/petitioner was initially appointed as part-time Lecturer by the Selection Committee of the college on 13.11.1984 and the said action seems to have been ratified by the Osmania University. The Government issued G.O.Ms.No.302, dated 23.08.1991 regularising the services of part-time Lecturers working in private degree colleges/junior colleges. The said G.O., prescribed the eligibility criteria which specifically stipulates that the part-time Lecturers have to put in 2½ or more years of service as part-time Lecturer and continuing in service on the last date of instruction of the academic year 1990-91. The appellant/petitioner was terminated from time to time and he was not in service during the last date of academic year 1990-91 and therefore, he is not eligible for regularization of services and petitioner's services were regularised in pursuance of the order passed in W.P.No.17066 of 1991, dated 21.04.1993 by this Court.

9. It is well settled proposition of law that regularising the services of temporary/part-time/ad hoc appointees are purely governed by the policies of the State Government and the appellant/petitioner is not entitled for consideration of his past service for the purpose of regularisation and granting for any emoluments attached to the said post. It is also well settled law that the Courts, while granting order for regularisation of part-time employees, have to keep in mind the financial implications of the State for granting monetary benefits to the employees, whose services are going to be regularised. In fact, in the present case, the appellant/petitioner's services were regularised not in terms of any of the policy laid down by the State, but it is only in compliance of the order passed in W.P.No.17066 of 1991, dated 21.04.1993. Therefore, the petitioner as a matter of right cannot be permitted to insist that his past services as part-time Lecturer should be reckoned for the purpose of granting seniority or for the purpose of fixing the scale of pay i.e., Rs.3000 – Rs.5000 under Career Advancement Scheme i.e., Senior Scale on completion of five years i.e., from 13.11.1989 and Selection Grade Scale on completion of another five i.e., from 13.11.1994. Further, the contention of the appellant/petitioner that in view of allowing the writ petition i.e., W.P.No.15366 of 2001, on 23.08.2012, his services can be reckoned for the purpose of fixing the seniority and also for fixing the Scale of Pay from the date of initial appointment i.e., 13.11.1984 cannot be countenanced for the reason that the challenge and submissions in the aforesaid writ petition are only with regard to seniority and not relating to the fixation of scale of pay. Further, in the aforesaid writ petition, the Commissioner of

Collegiate Education is one of the respondents and the State, represented by its Principal Secretary is not a party respondent and in view of the same, the findings recorded therein are not binding on the State Government either for granting seniority or for granting any scale of pay or any other benefits in terms of the said order. On this ground also, the order impugned does not warrant any interference of this Court.

10. The learned counsel for the appellant/petitioner has relied upon the decision of this Court in V.Sidda Reddy v. Government of Andhra Pradesh 2006 (3) ALD 546 (DB). The issues involved in the said decision are whether the unaided service should be taken into account for the purpose of fixation of pay and pension, for appointment to the Special Grade Post on the basis of Automatic Advancement Scheme. Further, in Registrar General of India v. V.Thippa Setty (1998) 8 SCC 690, the Supreme Court has observed that the regularisation of ad hoc employees should only be prospective and not retrospective and since the appellant/petitioner's services were regularised with effect from 12.08.1993 in pursuance of the order passed in W.P.No.17066 of 1991, dated 21.04.1993, the decision relied by the appellant/petitioner is not applicable to the facts of the present case.

11. For the reasons stated above, we do not find any infirmity or illegality in the impugned order passed by the learned Single Judge and the writ appeal is accordingly dismissed.

Miscellaneous applications, pending if any, shall stand closed. There shall be no order as to costs.