
(2014) 08 AP CK 0037

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 932 of 2014

Government of Andhra Pradesh

APPELLANT

Vs

T. Prabhakar

RESPONDENT

Date of Decision : 04-08-2014

Acts Referred:

Citation : (2014) 5 ALT 662

Hon'ble Judges : L.N. Reddy, J;Challa Kodanda Ram, J

Bench : Division Bench

Advocate : M.V. Rama Rao, T. Durga Reddy, SC and O. Udaya Kumar, Advocate for the Respondent

Judgement

L. Narasimha Reddy, J.—This Writ Appeal is filed challenging the order dated 02.09.2013 passed by the learned Single Judge in W.P. No. 23957 of 2009. The appellant herein is the first respondent in the Writ Petition and respondents 1 to 4 are the writ petitioners.

2. Respondents 1 to 4 were engaged in the then A.P. Agricultural University -fifth respondent herein as boy labourers, to work in the research fields of the University, between 1984 and 1988. According to them, the University was regularizing services of persons, who were engaged at the ratio of 1:1, as and when the occasion arises for making appointments against Class-IV or other vacancies. The Government issued G.O.Ms. No. 212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994 providing for regularization of services of the employees engaged in ad hoc or temporary or daily wages not only in Government service but also in Universities and establishments appointed by the Government. The facilities under G.O.Ms. No. 212 are extendable to such of the employees, who have completed five years of service by 25.11.1993.

3. Before G.O.Ms. No. 212 came to be issued, the Board of Management of the University issued proceedings dated 04.07.1991 providing for appointment of persons engaged as farm labourers in the vacancies of the last grade service.

4. After G.O.Ms. No. 212 was issued, the University took up the cases of respondents 1 to 4 for regularization. On finding that all of them were below age of 18 years when they were engaged and the services rendered by them after they attained 18 years is short of five years as on 25.11.1993, it addressed letter dated 25.11.2008 to the appellant for relaxation of the relevant condition. Since no action was forthcoming, a reminder was also issued. However, through letter dated 22.04.2009, the appellant did not accede to the request of the University. Thereupon, the University addressed another letter with a request to treat the services of respondents 1 to 4 before they attain the age of 18 years as boy service. Even that was not acceded to through communication dated 08.10.2009 addressed by the appellant. Therefore, respondents 1 to 4 filed the Writ Petition with necessary prayer. The basis for opposing the Writ Petition by the appellant herein was that the proposed action does not fit into G.O.Ms. No. 212. The learned Single Judge repelled the contention and allowed the Writ Petition. Hence, the Writ Appeal.

5. Heard the learned Government Pleader for Agriculture for the appellant, learned Standing Counsel for the fifth respondent - University and learned counsel for respondents 1 to 4.

6. The University was availing the services of different categories of employees. The farm labourers are one such category. It is mostly on daily wages, and hardly any qualifications are stipulated for that purpose. Since the research and other works are continuous in nature, same persons including respondents 1 to 4 have been engaged for quite many years. The induction of such persons into a last grade service was almost a matter of course, duly verifying their eligibility and desirability.

7. It is the appellant herein, which placed numerous restrictions upon the employment in the Universities and other organizations and ad hocism was the order of day, for many years. When the demand for regularization of the employees so engaged mounted up, G.O.Ms. No. 212 was issued for regularization of such employees. One of the conditions is that the employees must have completed five years of service as on 25.11.1993. It was also directed that it is only such of the persons, who have fulfilled the qualifications for the concerned posts, that can be regularized.

8. Respondents 1 to 4 did not fit into the conditions under G.O.Ms. No. 212. In a strict sense, they have put in more than five years of service by the cut off date i.e. 25.11.1993. Part of their services was rendered before they attained the minimum age limit i.e., 18 years. On its part, the University felt that relaxation in this regard may be granted or atleast the services rendered by respondents 1 to 4 may be treated as boy service. In its usual style, the appellant put its foot down exhibiting its superiority. The result is that the litigation at the instance of the helpless employees, has ensued.

9. In case the regularization of the services under G.O.Ms. No. 212 is to be with

effect from the five years earlier to 25.11.1993, a stumbling block would certainly exist vis-?-vis respondents 1 to 4. Such a course would have resulted in a situation where respondents 1 to 4 would become regular employees of the University while they were just minors. The regularization under G.O.Ms. No. 212 is prospective in effect. The practical approach would be to see whether for a period of five years before regularization, the employee was in service duly fulfilling all the conditions. If such an approach is adopted, respondents 1 to 4 do fit into the process.

10. Though the view taken by the appellant may appear to be in consonance with the G.O, ultimately, one has to see that the G.O is not a device to enable or permit the Government and the University to exploit the helpless unemployed persons. If the matter pertaining to regularization is to be viewed in such a manner, equally, the fact that the minor children were engaged to do hard labour work and thereby they were exploited, must also be taken note of. The State or its Agencies cannot exploit the unemployed youth in such a manner. The learned Single Judge has taken correct view of the matter and we do not find any basis to interfere with the order under appeal. The regularization of the services of respondents 1 to 4 has already been delayed beyond all reasonable limits.

11. We dismiss the Writ Appeal by directing that the steps for regularization of respondents 1 to 4 shall be completed within two months from today. Since the objection raised by the appellant is rejected, now it is squarely for the University to take necessary steps. There shall be no order as to costs.

12. The miscellaneous petitions filed in this writ appeal shall also stand disposed of.