
(2022) 12 TEL CK 0069
In the Telangana High Court
Case No : Writ Petition (TR) No. 427 Of 2017

Lagiseti Swaroop Kumar

APPELLANT

Vs

High Court Of Telangana

RESPONDENT

Date of Decision : 22-12-2022

Acts Referred:

Citation : (2022) 12 TEL CK 0069

Hon'ble Judges : N.V.Shravan Kumar, J

Bench : Single Bench

Advocate : Srinivasa Rao Madiraju

Final Decision : Disposed Of

Judgement

1. This present writ petition(TR) is filed call for the records pertaining to Order No.Es/Ec2/303-304/2012, dated 29.09.2012 of the 4th respondent in rejecting the claim of the applicant for regularization and set-aside the same as illegal, arbitrary, discriminatory and contrary to the orders of the Hon'ble High Court issued in respect of other employees working under the control of the respondents in WP No.10282 of 1998 dated 13.04.2005 and contrary to orders of Hon'ble Supreme Court and consequently direct the respondents to regularize the services of the applicant on par with similarly situated persons duly considering the case of the applicant and by continuing the services of the petitioner.

2. Learned counsel for the petitioner submits that petitioner has worked as Helper, NMR/Daily Wage basis at Gundlavagu Project, Venkatapuram Mandal, Khammam District from the year 1986 to 1991. Learned counsel for the petitioner further submits that inspite of the fact that the petitioner had continuously worked under the control of the respondents, the petitioner and others was unjustly prevented from attending the duties and orally informed the petitioner not to come to the office.

3. Learned counsel for the petitioner submits that aggrieved by the action of the

respondent authorities in not allowing the petitioner to work in the respondent office, the petitioner filed OA No.6566 of 2012 before the A.P.Administrative Tribunal (hereinafter referred to as 'the Tribunal') and the Tribunal on 21.08.2012, passed the interim order directing the respondents authorities to consider the case of the petitioner and pass necessary order. Subsequently, respondent No.4 passed speaking order on 29.09.2012, which reads as under:

"1. As verified the service certificate you have worked as NMR from 04/1986 to 03/1991. The NMR system abolished with effect from 1986, as per G.O.Ms.No.143, dated 16.03.1986. Hence, the certificate produced by you cannot be considered as it not Genuine.

2. You have not continued as on cut off date of 25.11.1993 and also at the time of issue of Act 2/1994."

4. Learned counsel for the petitioner further submits that similar situated persons had also filed OA No.520 of 1996 for the same relief before the A.P.Administrative Tribunal (hereinafter referred to as 'the Tribunal'), and the Tribunal dismissed the same by an order dated 12.03.1998. Against the said Tribunal order, WP No.10282 of 1998 was filed before Hon'ble Division Bench, and this Hon'ble Court allowed the WP No.10282 of 1998 on 13.04.2005, with the following direction reads under:

"In the light of our above discussion, the Writ Petition is allowed, and the respondents are directed to regularize the services of the petitioners in accordance with GO.Ms.No.212, dated 22.4.1994 with effect from 25.11.1993. It is made clear that in view of the regularization of the services of the petitioners, they are entitled for physical monetary benefits from the date of filing of the Writ Petition. No costs."

5. Learned counsel for the petitioner further submits that thereafter respondent authorities preferred SLP(C)No.23679 of 2005 before Hon'ble Supreme Court, and the Hon'ble Supreme Court on 27.02.2007 dismissed the SLP(C) No.2367 of 2005, with the following directions reads under:

"The petitioners are granted three months to regularize the service of respondents as directed by the High Court. The said period shall be reckoned from today in respect of Respondents who are presently in service. If any of the respondents is disengaged and not in service, the three months period shall be reckoned from the date of such respondents reporting for duty to the concerned Executive Engineer of the Irrigation Department at Sathyanarayanapuram. It is, however made clear that the respondents will not entitled to monetary benefits, as ordered by the High Court as a consequence of the regularization. The special leave petitions are disposed of accordingly."

6. Learned counsel for the petitioner also bring attention of this Court to the judgment passed by Hon'ble Supreme Court in District Collector/Chairman & Others Vs. M.L.Singh & Others (2009) 8 SCC and Hon'ble Supreme Court

disposed the SLP(C) Nos.27276-77 of 1996 on 06.02.1998, with the following direction reads under:

"As regards payment of wages there is no dispute between the parties that the same have to be paid from the date of regularization. Insofar as regularization is concerned, we are of the view that the High Court has rightly directed that on the basis of Notification GO Ms.No.212, the respondent employees shall be regularized with effect from the date or dates, they completed five years' continuous service. It is however, made clear that the other conditions laid down in the said GO Ms.No.212 will have to be satisfied for the purpose of regularization."

7. Learned Government Pleader for Services-II appearing for respondents has also not disputed the above said facts and fairly submits that respondent authorities may be directed to consider the case of the petitioner in terms of orders passed by Hon'ble Supreme Court in SLP(C) No.23679 of 2005, dated 27.02.2007; SLP(C) Nos.27276-77 of 1996 on 06.02.1998 and this Court in WP No.10282 of 1998, dated 13.04.2005 and pass appropriate orders in accordance with law.

8. In view of the submission made by the learned counsels on either side, perused the material on records and considered the facts and circumstances of the case, this Court deems fit to set aside the impugned order No.Es/Ec2/303-304/2012, dated 29.09.2012 issued by the respondent No.4 and directs the respondent authorities to consider the case of petitioner afresh in the light of orders passed by the Hon'ble Supreme Court in SLP(C) No.23679 of 2005, dated 27.02.2007; SLP(C) Nos.27276-77 of 1996 on 06.02.1998 and this Court in WP No.10282 of 101998, dated 13.04.2005 and pass appropriate orders strictly in accordance with law, as expeditiously as possible, preferably, within a period of six (06) weeks from the date of receipt of copy of this order and communicate the same to the petitioner.

9. Accordingly this writ petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.