

(1998) 10 AP CK 0059

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 12595 and 12656 of 1998

N.P. Subrahmanyam

APPELLANT

Vs

Managing Director, APSRTC, Musheerabad, Hyderabad and
others

RESPONDENT

Date of Decision : 27-10-1998

Acts Referred:

Citation : (1999) 1 ALD 208 : (1998) 6 ALT 824

Hon'ble Judges : C.V.N. Sastri, J

Bench : Single Bench

Advocate : Ms. B. Malleswari, for the Appellant; Mr. A.V. Sivaiah, SC for APSRTC, for the Respondent

Judgement

1. These two writ petitions can be disposed of by a common order, since the facts are similar and the question for decision is also one and the same.

2. The petitioner in WP No. 12595 of 1998 was appointed as a casual conductor on daily wage basis on 3-4-1984 and his services were subsequently regularised with effect from 21-3-1986. Likewise, the petitioners in WP No.12656 of 1998 were also appointed as a casual conductors on 19-12-1983 and their services were regularised with effect from 6-4-1985. After a lapse of more than 12 years, the petitioners have filed the present writ petitions contending that they have to be regularised with effect from the respective dates of their initial appointments. The inspiration to file the present writ petitions appears to have come from the judgments rendered by this Court in case of some other employees of the Corporation, wherein it was held that regularisation has to be made with effect from the date of initial appointment but not with effect from the date of completion of 240 days of continuous service. The learned Counsel for the petitioner has drawn my attention to a Division Bench Judgment of this Court in A.P.S.R.T.C, and another Vs. P.T. Rao and others, , and a judgment of a learned single Judge of this Court in A. Rajeswar Vs. Mananging Director, APSRTC and Others, . She lias also referred to some other orders on the same lines. On the

other hand, the learned standing Counsel for the respondent-Corporation relies on the judgment of the Supreme Court in Union of India (UOI) and Others Vs. M. Dharani and Others, , wherein it was held that services rendered on casual basis prior to appointment in regular establishment shall not be counted for the purpose of pay fixation etc. The Supreme Court also held that the direction granted by the Administrative Tribunal directing regularisation from the date of initial appointment, was not sustainable. In the counter-affidavit filed on behalf of the respondents, it is also stated that if the request of the petitioners is considered at this point of time, there will be anarchy, since the employees whose services have already been regularised in 1984 will be directly affected and the seniority finalised in the year 1984 will be disturbed and whose services have been regularised prior to the petitioners will be affected and they will become juniors, which can not be done at this point of time, that too, without notice to the affected persons.

3. It is not in dispute that the petitioners were regularised as Conductors in 1986 and 1985 respectively. They never raised any objection at that time and kept quiet for all these years. Though the petitioners claim that they made some representations before the respondents, no material is placed in that behalf. Even otherwise, an aggrieved person cannot rest contented by making some ineffective representations. The petitioners ought to have approached the Court sufficiently early in the matter instead of keeping quiet for more than 12 years. That apart, the petitioners have not impleaded the other persons, whose seniority is likely to be affected. For the aforesaid reasons, I am satisfied that the petitioners are not entitled for any relief in this writ petition. The decisions cited by the learned Counsel for the petitioners cannot render any assistance to the petitioners, as the factual position is entirely different and the question of delay or laches and non-impleadment of necessary parties, has not arisen for consideration in those cases.

4. For the fore-going reasons, I do not find any merit in these writ petitions. The writ petitions are accordingly dismissed. No costs.