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**(1995) 08 AP CK 0061**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 6536 of 1995**

Silar Bee

APPELLANT

Vs

Maize Beedar Agriculture Research Station, Amberpet and  
Another

RESPONDENT

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**Date of Decision : 17-08-1995**

**Acts Referred:**

**Citation : (1995) 3 ALD 269 : (1995) 3 ALT 96**

**Hon'ble Judges : Motilal B. Naik, J**

**Bench : Single Bench**

**Advocate : D. Damodar Reddy, for the Appellant; Siva Reddy, for the Respondent**

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## **Judgement**

1. This is a pathetic case of the petitioner who has been with the respondents in the capacity as Casual Labourer from 1980s. The petitioner approached this Court in the year 1988 by way of Writ Petition No. 17738 of 1988 seeking direction to regularise her services. This Court disposed of the said writ petition in the year 1991 directing the respondents to consider the request of the petitioner for absorption in the equivalent post in the Agriculture University.

2. Inspite of the direction to the respondents in the said writ petition, they have not shown any interest in the matter. The explanation now submitted by the learned Counsel appearing on behalf of the University is that there are no permanent vacancies and the University is making hectic efforts by negotiating with the Government for getting sanction of posts and the services of the petitioner and some other employees who are similarly situate as that of the petitioner will be regularised soon after the additional posts are sanctioned by the Government. This endeavour, it is stated, is intended to remove the difficulties faced by the petitioner and the like persons, and that therefore it cannot be said that the University is not showing any interest in mitigating the difficulties faced by this petitioner.

3. It may be true that the University has taken a few steps in this regard.

Admittedly, the petitioner has been serving the University right from 1980 as casual labourer and we are in the middle of 1995. It goes to show that even though she has been serving since more than 15 years, she is being paid very meagre amount without regularising her service. There cannot be any justification for the University in denying to the petitioner and the like persons their right of regularisation even though they have put in 15 years of service, on the pretext that the matter is under negotiations with the Government. I am afraid, this view does not suit to the requirement of the trend of decisions laid down by this Court as well as the Apex Court in recent times. As per those decisions, the authorities are bound to regularise the services of those employees who have put in several number of years of service but whose services could not be regularised. The respondents cannot blow hot and cold in this matter and drag on the request of the petitioner for her regularisation on some pretext or the other.

4. Though the petitioner approached this Court in the year 1988, the writ petition was decided in the year 1991 by giving a positive direction to the respondents to consider the request of the petitioner for regularisation, but when there was no positive action from the respondents, this writ petition is filed bringing to the notice of this Court about the pathetic situation in which she is placed. Probably, the University has no proper explanation to offer in this case.

5. In the counter filed by the University, it is however stated that there are persons who are senior to the petitioner and that the case of the petitioner cannot be considered as long as the cases of her seniors, who are also placed in a similar situation, are not considered. It may be true that the petitioner is far more junior to the other casual labourers working along with her in the University, but the fact remains that the petitioner has been serving continuously for 15 years as casual labourer without regularisation of her services. Another ground was taken in the counter stating that as and when vacancies arise, the case of the petitioner would be considered. But, it is pertinent to mention here that the very same ground was urged in the earlier writ petition also filed by the petitioner in the year 1985. Therefore, the bona fides of the respondent are highly doubtful. A person having put in more that 15 years of service, cannot be left in high and dry and cannot be asked to wait further for an indefinite time. Therefore, I am not persuaded to hold that the University finds difficulty in regularising the services. It may be true that the cadre of Mazdoors has been abolished in the University, but the University has replaced it with the cadre of Class IV employees. When once this is the reality, the University instead of harping upon the nomenclature, could accommodate the petitioner in any of the Class IV categories in the University. Having discussed the submissions made by the counsel for the University, I am not inclined to accept the submissions made on its behalf.

6. The counsel though tried to explain the situation by bringing it to the notice of this Court the efforts made by the University in this regard, the attitude of the

University is like shedding crocodile tears to get over the difficulties that are being faced by the University, which gives rise to a conclusion that the University is not intending to redeem the request of the petitioner.

7. In this view of the matter, the writ petition is disposed of directing the respondents to regularise the services of the petitioner if not in the post of Mazdoor but in any equivalent post under Category IV within three months from the date of receipt of a copy of this order. This Court is also conscious of the financial restraints under which the University is placed in such cases, but this Court is equally conscious of the fact that the petitioner and like persons have been rendering service to the University for the past 15 years, and therefore, those restraints shall not come in the way if the University has the genuine will and desire to regularise the services of the petitioner. The writ petition is accordingly allowed. No costs.