

SMT JUSTICE T.RAJANI

WRIT PETITION No.37466 of 2015

ORDER:

This writ petition is filed seeking to declare the action of the respondents in delaying the regularization of the services of the petitioner under the guise of correspondence and thereby denying entitlement to receive pension and other benefits payable to regular employees, as illegal and arbitrary, by holding that the applicant is entitled for payment of pensionary benefits duly regularizing his services by taking into account his date of appointment as 02.07.1979 in the aided post with all consequential benefits.

2. Heard.

3. The counsel for the petitioner submits that the petitioner was appointed as contingent staff worker and the petitioner was suspended on 22.08.1984 and the same was lifted on 18.01.1987 in pursuance of the order passed by the High Court of Judicature at Hyderabad in W.P.No.12749 of 1991 and also as per the directions made in the Contempt Case viz., C.C.No.328 of 1992. The counsel also relies on the judgment of the Supreme Court reported in **B.Srinivasulu v. Nellore Municipal Corporation**, wherein the Supreme Court held that the right of the appellants therein to seek regularization flows from G.O.No.212, dated 22.04.1994. It also observed that the appellants therein have been in service of the first respondent therein not only

prior to the issuance of the said GO but even subsequent to the issue of GO till that day.

4. The counsel for the respondents submits that the aforesaid judgment of the Supreme Court is not applicable to the petitioner since the service of the petitioner was not continuous.

5. But the fact remains that the suspension of the petitioner was revoked and he was re-instated into service by virtue of the order of the court and hence, the same has to be treated as a continuous service without break.

6. Hence, in view of the above, this court deems it fit to direct the respondents to regularize the services of the petitioner with effect from 02.07.1979, in the aided post, as per G.O.Ms.No.212, dated 22.04.1994, with all consequential benefits, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

T. RAJANI, J

February 13, 2020
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JUSTICE T.RAJANI

90

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