

APHC010366622022



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3310]

FRIDAY ,THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

**WRIT PETITION NOs: 22180, 21579, 21585, 21587, 21588, 21589, 21591,
21597, 21604, 21606, 21609, 21677, 21697, 21699, 22972 OF 2022, 28896
16862, 18832, 8768 and 13311 of 2021, 24419, 23863, 4976 of 2020**

WRIT PETITION NO: 22180 OF 2022

Between:

G. Anjaneyulu, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.K SRINIVASA PRASAD

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

COMMON ORDER:-

Since the facts and issue involved in all the Writ Petitions, I find it expedient to decide these matters by a Common Order. For the sake of convenience, W.P.No.22180 of 2022 is taken as leading case.

2. The case of the petitioners in W.P.No.22180 of 2022 in short is that they were appointed as NMRs in the year 1981 onwards in the 4th respondent

corporation and they were working without any break. While the matter stood thus, the Government issued G.O.Ms.No.11, dated 20.01.2017 have sanctioned 726 posts in the category of Field Assistants in Sericulture Department on supernumerary basis for regularization of services full time contingent employees, who have fulfilled the conditions stipulated in Government orders vide G.O.Ms.No.212, dated 22.04.1994, G.O (P).No.112, dated 23.07.1997 and G.O.Ms.No.11, dated 20.01.2017. Accordingly the Commissioner of Sericulture, Guntur issued proceedings dated 08.02.2017 has distributed 2970 posts to the Ananthapur District to regularize the full time contingent employees in the District by giving temporary employment in the category of Field Assistants. In view of the said G.Os, the services of the petitioners were regularized by appointing them as Field Assistants in Ananthapur District prospectively from the date of issue of orders without granting retrospective regularization from the date of completion of five years for counting of daily wage service rendered prior to their regularization of services for the purpose of pension and pensionary benefits, without monetary benefits, as regularization orders were issued after more than 25 years service rendered by them on NMR basis. Further their probationary period was also declared vide proceedings dated 12.06.2019 and some of the petitioners were promoted as Technical Assistants from the category of Field Assistant vide proceedings dated 26.03.2021. Therefore, the petitioners are entitled retrospective regularization from the date of completion of five years, hence the present writ petitions came to be filed.

3. Heard Mr. K. Srinivasa Prasad, Mr. P. Raghavendra Reddy, learned counsel for the petitioners and learned Assistant Government Pleader, Services-I; learned Assistant Government Pleader, Services-II for the respondents.

4. During hearing learned counsel for the petitioners reiterated the contents urged in the writ petitions and placed on record the decision of the Hon'ble Division Bench of the composite High Court at Hyderabad in ***“Government of A.P rep., by its Principal Secretary, PR and RD Department, Hyderabad and Others v. N. Venkaiah and Others”¹***, wherein it was held as follows:-

“53. On the above analysis, the writ petitions are disposed of directing the authorities concerned to extend the benefit of B. Srinivasulu (1 supra) to the employees in this batch of cases by reckoning their services from the date of completion of five years in service, on or before 25.11.1993, for the purpose of their pension and pensionary benefits. They shall however not be entitled to actual monetary benefits for the said period, in the form of arrears of pay or allowances.”

5. So also, the Division Bench of this Court following the decision of ***N. Venkaiah’s case*** (cited supra) in ***“A.P.Bevarages Corporation Limited, Vijayawada, Krishna District v. K. Kesava Narayana Reddy and Others”²***, wherein it was held as follows:-

*“15. Following the Division Bench judgment in **N. Venkataiah’s**³ case (supra), we hold that the services of respondent Nos.1 to 60/ writ petitioners would be deemed to have been regularized from the cut-off date, i.e 25.11.1993, for the*

¹ 2018(4) ALT 6 (D.B)

² 2021(5) ALD 422 (AP) (DB)

³ 2018(4) ALD 590 (DB)

purpose of fixation of pension and pensionary benefits. As held in the aforesaid judgment, respondent Nos.1 to 60/ writ petitioners are not to be given any monetary benefits in the form of arrears of pay or otherwise from that date. Respondent Nos.1 to 60/ writ petitioners will be entitled to salary in terms of G.O.Ms.No.31, dated 28.02.2017.

6. And also, the Division Bench of this Court also followed the decision of **N. Venkataiah's** case cited *supra* in **"The State of Andhra Pradesh rep., by its Principal Secretary, Agriculture & Corporation (Sericulture) Department v. T.S.Gopalaiah"**⁴, wherein it was held as follows:-

"12. We are of the considered opinion that ends of justice will be sub-served in the present case by moulding the relief by providing that though the writ petitioners would be deemed to have been regularized from the cut-off dated i.e 25.11.1993 for the purpose of fixation of pension and pensionary benefits, pension will be made available to them only from the date of filing of the writ petition i.e from 19.02.2020.

7. Learned Assistant Government Pleaders for the respondents vehemently opposed to allow the writ petitions.

8. Perused the record.

9. No doubt, the issue involved in these writ petitions are squarely covered by an order of this Court as cited *supra*, where under this Court passed several orders by following the decision of Hon'ble Apex Court and also the Government issued G.Os by granting retrospective regularization for the purpose of pension and pensionary benefits for the service rendered prior to regularization of their services. It is further contended by the learned counsel for the petitioners that in similar circumstances the Government

⁴ W.A.No.483, 2021, dated 05.08.2021

issued G.O.Rt.No.664, dated 10.07.2018 granting relief of retrospective regularization in the case of employees working in Tirupati Municipal Corporation. The Government also issued another G.O.Ms.No.8, Water Resources Department, dated 10.02.2020 extending the similar benefit to the employees working in irrigation department and that the petitioners in this writ petition also seeking similar relief for the said benefit.

10. Therefore, keeping in view of the ratio laid down by this Court in the decisions cited supra, directing the respondents to regularize the services of the petitioners with effect from the date of their completing their five year continuous service, on or before 25.11.1993 retrospectively for the purposes of their pension and pensionary benefits. They shall however not be entitled to actual monetary benefits for the said period, in the form of arrears of pay or allowances. The same order shall be applied in other writ petitioners in this batch writ petitions also.

11. With the above direction, the batch of writ petitions is disposed of by a Common Order. It is made clear that the directions contained in this order shall be implemented within three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

The miscellaneous applications pending, if any, shall also stand closed.

DR. JUSTICE K. MANMADHA RAO

Date: 23.08.2024

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