

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.W.A.Nos.330 & 425 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	01.05.2025	<u>BKM,J & AHHS,J</u> <u>I.A.No.1 of 2025 in W.A.No.425 of 2025</u> Heard the learned counsels on both the sides. This application is ordered. Dispensed with the filing of the certified copy of order dated 24.12.2024 passed in Review I.A.No.2 of 2024 in W.P.No.12923 of 2016 for the present. As and when the certified copy is obtained, the same shall be filed by the learned counsel for the appellants. <u>I.A.No.2 of 2025 in W.A.No.425 of 2025</u> Heard the learned counsels on both the sides. The learned counsel for the respondents opposed on the ground that the writ appeal itself is not maintainable. For the purpose of consideration of this writ appeal, this application is ordered by condoning the delay of 76 days in filing the appeal. <u>W.A.Nos.330 & 425 of 2025</u> Heard the learned counsel for the appellants and the learned counsel for the respondent Nos.1 to	(Contd...)

		5 seeks time to argue the main appeal itself by filing necessary counter affidavit. This writ appeal is preferred against the order passed by the learned Single Judge in I.A.No.2 of 2024 in Writ Petition No.12923 of 2016, dated 24.12.2024, wherein, the review application was dismissed. The learned counsel for the appellants submits that initially the writ petition was disposed of by the learned Single Judge <i>vide</i> order, dated 23.12.2022, wherein, the learned Single Judge directed to pay the terminal benefits with interest @ 6% per annum. But, at para No.11 of the said order, it was recorded as 'writ petition is dismissed'. Since it was observed as dismissed, the appellants herein initially preferred W.A.No.986 of 2023 before the co-ordinate Bench of this Court and the same was disposed of <i>vide</i> order, dated 12.12.2023 directing the appellants to seek appropriate orders/clarifications from the learned Single Judge. Hence, they filed I.A.No.2 of 2024 in Writ Petition No.12923 of 2016, which was dismissed <i>vide</i> order, dated 24.12.2024. The learned counsel for the appellants draw our attention to the relevant averments of the counter affidavit filed by them in Writ Petition No.12923 of 2016 to show that the respondents' services were regularised with affect from 20.04.1998. Ever since, they were treated as regular employees of Chittoor Milk Union and at any point of time, the respondents herein did not	(Contd...)
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	question the date of regularisation of services and they retired under voluntary retirement scheme on 31.08.2002. For the purpose of voluntary retirement scheme, the Government introduced G.O.Ms.No.16, Public Enterprise (PE.III) department, dated 22.03.2001 and invited options from the employees. Accordingly, the respondents herein availed the said opportunity and they retired from services under voluntary retirement scheme with effect from 31.08.2002 and they received the benefits out of the said scheme without any protest. After a lapse of 13 years from the date of their regularisation and receiving of voluntary retirement benefits without any protest, they resorted to file the above said writ petition seeking regularisation of their services with effect from the date of initial appointments as NMR's, in which, without going into the said issue whether they are entitled to regularise from the date of their original appointment as NMR's, the learned Single Judge directed to pay the interest on the terminal benefits, as stated above. The respondents did not question the order of the learned Single Judge on any other point. But, the main grievance of the appellants herein is that the respondents are not entitled for any relief as they have already availed the voluntary retirement scheme under the above said G.O. and as such they cannot either seek for retrospective regularisation or consequential benefits under any circumstances. On the other hand, the learned counsel	(Contd...)
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		appearing for the respondent No.1 to 5 submits that the petitioners therein are entitled for regularisation of service and consequential terminal benefits by also adding the period of working as NMRs in the said organization. For the purpose of consideration of the above said issue, these writ appeals are admitted and the orders of the learned Single Judge in both the writ appeals are stayed, pending further orders. Admit. Notice. List on 26.06.2025. BKM,J AHHS,J MDP	
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