

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

MONDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 29815 OF 2012



Between:

1. S. Jammanna, S/o Naganna, Driver, aged 35 years, E 426037, Kurnool - I depot, Mahatmanagar, kallur, Kurnool dist.
2. A.C Sekhar, Driver, APSRTC, Kurnool - II depot, E No: 426028, Kurnool, Kurnool Dist.

...PETITIONERS

AND

1. A.P.S.R.T.C Rep by its VC & MD, Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC, Kurnool Region, Kurnool Dist.
3. Sri M. Rajasekhar, Driver, E 426171, APSRTC, Kurnool - I depot. Kurnool Dist

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or directions more in the nature of writ of Mandamus directing the respondent management to regularize the petitioners service on par with his junior 3rd respondent with all consequential benefits including fixation of seniority, re fixation of pay and payment of arrears and pass such other order or orders in the interest of justice as otherwise the petitioners may put irreparable loss and hardship.

I.A. NO: 1 OF 2012(WPMP. NO: 38050 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court

may be pleased to direct the respondent management to regularize the petitioner services on par with his junior 3rd respondent pending disposal of the above writ Petition.

Counsel for the Petitioners: SRI P. GOVINDA RAJULU

**Counsel for the Respondent Nos.1 & 2: SRI K. VISWANATHAM, SC FOR
APSRTC**

Counsel for the Respondent No.3: ----

The Court made the following: ORDER



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

[3457]

**MONDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 29815/2012

Between:

S. Jammanna, and Others

...PETITIONER(S)

AND

A P S R T C Rep By Its Vc Md and Others

...RESPONDENT(S)

Counsel for the Petitioner(S): 1. P GOVINDA RAJULU

Counsel for the Respondent(S):

1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

The Court made the following:

Heard the learned counsel for the petitioners and the respondents.

2. The petitioners are challenging denial of regularization of their services with effect from 01.08.1999 . The claim of the petitioners is that the petitioners were working as drivers on casual basis; the 1st petitioner was appointed as casual driver from 18.02.1998 and the 2nd petitioner was appointed as casual driver from 05.02.1998. It is submitted that the petitioners were entitled for the regularization soon after completion of 240 days from the date of their initial appointment. It is submitted that the 3rd respondent was working with effect from 08.05.1998.

3. The learned counsel for the petitioners places reliance on the statement showing the working days of casual drivers and conductors working at

Kurnool-I depot as on 31.07.1999. The petitioners completed 524 and 520 days respectively from the date of their initial appointment. The 3rd respondent, who was appointed on casual basis on 08.05.1998, completed 445 days as on 31.07.1999.

4. The learned counsel for the petitioners submits that the petitioners are also entitled for the regularization with effect from 01.08.1999, the date on which the 3rd respondent was regularized into service. The petitioners were regularized with effect from 01.01.2022.

5. The learned counsel for the respondents draws attention of this Court to the paragraph-5 of the counter-affidavit and submits that the service of the 3rd respondent was regularized with effect from 01.08.1999 and as such the 3rd respondent is senior to the petitioners. The learned counsel for the respondents also submits that the seniority would be reckoned from the date of regularization and not from the date of their initial appointment. The petitioners and the 3rd respondent are working in the same depot i.e., Kurnool-I and as such there could not be a distinction in so far as service rendered by the petitioners and the 3rd respondent. The petitioners would have to be considered for regularization, with effect from the date on which the service of the 3rd respondent was regularized. As there were adequate vacancies, the services of the petitioners and the 3rd respondent were regularized, however, the date of regularization of the petitioners shown as 01.02.2022 and that of the 3rd respondent was 01.08.1999, which deserves to be rectified, by this Court.

6. Admittedly, the petitioners were initially engaged three(03) months prior to the engagement of the 3rd respondent and the total number of working days of the petitioners is more than the number of working days of the 3rd respondent. The service of the petitioners ought to have been regularized with effect from 01.08.1999 on par with the date of regularization of the 3rd respondent. There is no justification by the respondents shown in the counter as to what prevented them for the respondents in extending the date of regularization of the petitioners with effect from 01.08.1999. All that stated is that the petitioners cannot claim seniority from the date of initial engagement.

7. The law on the aspect of regularization of services of the employees, who are similarly placed is crystalline. The respondents ought to have considered the petitioners for regularization with effect from 01.08.1999 on par with the 3rd respondent.

8. Accordingly, this writ petition is allowed. The respondent Nos.1 and 2 are hereby directed to consider the regularization of the service of the petitioners with effect from 01.08.1999 and extend the consequential benefits to the petitioners. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

SD/- K. KASI RAO ACHARI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

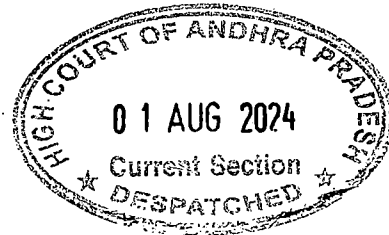
1. The Vice Chairman & Managing Director, A.P.S.R.T.C., Vijayawada.
2. The Regional Manager, APSRTC, Kurnool Region, Kurnool Dist.
3. One CC to Sri P. Govinda Rajulu, Advocate [OPUC]
4. One CC to Sri K. Viswanatham, SC for APSRTC [OPUC]
5. Three CD Copies.

HIGH COURT

DATED:22/07/2024

ORDER

WP.No.29815 of 2012



ALLOWING OF THE W.P. WITHOUT COSTS