



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

[3458]

FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOS: 17629 OF 2021 & 19826 OF 2020

WRIT PETITION NO: 17629 OF 2021

Between:

1. KOWLURI BALA SUBRAMANYAM REDDY,, S/O. K.LAKSHMIKARREDDY, AGED 35 YEARS.
2. PARLA SRINIVASULU,, S/O. P.YANADAIAH, AGED 41 YEARS.
3. KAMBHAMPATI SUDARSAN,, S/O. K.NARASIMHULU, AGED 34 YEARS.
4. MUDE DEVADAS NAIK,, S/O. M. PEDDANNA NAIK, AGED 45 YEARS.
5. VESAM VENKATA SUBBA REDDY,, S/O. V. RAGHURAMI REDDY, AGED 32YEARS.
6. DASARI VENKATESH,, S/O. D. THULASIAH, AGED 46 YEARS.
7. KUNCHAN SUBRAMANYAM,, S/O. K. NAGAMANIAH, AGED 34 YEARS.
8. CHENEPALLI NAGARAJU,, S/O. C. SUBRAMANYAM, AGED 31YEARS.
9. POGILI RAJA REDDY,, S/O. P. SUBBARAMI REDDY, AGED 34 YEARS.
- 10.CHANDRAGIRI NARASIMHULU,, S/O. C. PENCHALAIAH, AGED 34 YEARS.
- 11.THALLAM PURUSHOTHAM REDDY,, S/O. T. VENKATA REDDY, AGED 36YEARS.
- 12.DASARI CHALAPATHI,, S/O. D. SUBBAIAH, AGED 44 YEARS.

13. GUNISETTI VASANTHA KUMARI,, D/O. G. RAMA SUBBAIAH, AGED 48 YEARS.
14. PASUPULATI SUBRAMANYAM,, S/O. P. SUBBA RAMAIAH, AGED 34 YEARS.
15. MINUKU VENKATA NARASIMHULU,, S/O. M. NARASIMHULU, AGED 32 YEARS.
16. VESAM VENKATA RAMANA REDDY,, S/O. V. JAYARAMI REDDY, AGED 34 YEARS.
17. BASINENI SUBHASHINI,, D/O. B. RAMAIAH, AGED 31 YEARS.
18. PULLAGANTI BALA SUBRAMANYAM,, S/O. P. VENKATA SUBBAIAH, AGED 31 YEARS.
19. GALLA LAKSHMANA KUMAR,, S/O. G. VENKATA SUBBAIAH, AGED 38 YEARS.
20. AVULA NETTIKANTAIAH,, S/O. A. NAGAPPA, AGED 32 YEARS.
21. VESAM RAMA CHANDRA REDDY,, S/O. V. VENKATA SUBBA REDDY, AGED 54 YEARS.
22. KONETI VEERA SWAMY,, S/O. K. BALA SUNKANNA, AGED 32 YEARS.
23. SHAIK SALEEM,, S/O. S. BASHA SAHEEB, AGED 41 YEARS.
24. MODI SIVAIAH,, S/O. M. SUBBARAYUDU, AGED 34 YEARS.
25. MODI SUBRAMANYAM,, S/O. M. SUBBARAYUDU, AGED 31 YEARS.
26. MADAGALAM RAJAIAH,, S/O. M. PERUMAL, AGED 48 YEARS.
27. SHOWDAVARAM SURESH BABU,, S/O. S. SUBBAIAH, AGED 41 YEARS.
28. HASANAPURAM SUBBARAYUDU,, S/O. H. NAGAIAH, AGED 44 YEARS.
29. GALLA GIRIDHAR,, S/O. G. SESHADRI, AGED 31 YEARS.
30. GALLA DHANUNJAYA,, S/O. G. SUBBARAMAIAH, AGED 35 YEARS.
31. PENUGONDA KODANDA RAMUDU,, S/O. P. RAMUDU, AGED 36 YEARS.
32. PALLATI INDIRA KIRAN KUMARI,, D/O. P. LAKSHMI KULASEKHAR, AGED 41 YEARS.

- 33.KARUMANCHI PUSHPALATHA,, D/O. K. NARASIMHULU, AGED 34 YEARS.
- 34.POGILI CHANDRAKALA,, D/O. P. VENKATA REDDY, AGED 34 YEARS.
- 35.SUREPALLI CHINNA REDDAMMA,, D/O. S. PENCHALAIAH, AGED 34 YEARS.
- 36.SINGIRI VIJAYA,, D/O. S. NARAYANA, AGED 35 YEARS.
- 37.GANTA SUBBA RAYUDU,, S/O. G. RAMAIAH, AGED 34 YEARS.
- 38.LAVURI THULASI,, D/O. L. DAMODARAM, AGED 32 YEARS.
- 39.B. CHANDRA SEKHAR,, S/O. B. JAYA RAMAIAH, AGED 31 YEARS.
- 40.GUNDRATHI ANIL KUMAR,, S/O. G. ADINARAYANA, AGED 37 YEARS.
- 41.CHENI NARESH,, S/O. C. LAKSHMI NARAYANA, AGED 33 YEARS.
- 42.GUNIPATI LAKSHMIKANTH,, S/O. G. SUBRAMANYAM, AGED 34 YEARS.
- 43.GALLA SYAMALA,, S/O. G. VENAKATA RAMANA, AGED 38 YEARS.
- 44.GRANDHE CHANDRA SEKHAR,, S/O. G. NARAYANA, AGED 43 YEARS.
- 45.PASALA NARASIMHULU,, S/O. P. RAMAIAH, AGED 41 YEARS.
- 46.HANUMANTHU NAGA RAJA,, S/O. H. ESWARAIAH, AGED 41 YEARS.
- 47.BATHALA HARI,, S/O. B. SUBBANNA, AGED 31 YEARS.
- 48.KOTARU PRATHIBHA,, D/O. K. CHANCHIAH, AGED 34 YEARS.
- 49.NOSINA NARASIMHULU,, S/O. N. PENCHALAIAH, AGED 39 YEARS.
- 50.KUPPALA MUNI CHANDRA,, S/O. K. JAGANADHAM, AGED 54 YEARS.
- 51.CHINTHAGINJALA SUBRAMANYAM,, S/O. C. RAMANAIAH, AGED 40 YEARS.
- 52.BATTALA SIVA KUMAR,, S/O. B. NAGA RAJU, AGED 36 YEARS.
- 53.KUPPALA GOWRI DEVI,, D/O. K. CHINNA BODAIAH, AGED 48 YEARS.

54. MODAITHAPU NARESH,, S/O. M. CHALAPATHI, AGED 29 YEARS.
55. PASUPULATI SURESH BABU,, S/O. P. PENCHALAIAH, AGED 36 YEARS.
56. GALLA NAGARAJU,, S/O. G. CHANDRA, AGED 33 YEARS.
57. LINGAM MOHAN,, S/O. L. NARASIMHULU, AGED 37 YEARS.
58. KOWLURI MALLIKARJUNA REDDY,, S/O. K. TIRUMALA REDDY, AGED 54 YEARS.
59. GALLA DILEEP,, S/O. G. NARAYANA, AGED 32 YEARS.
60. LINGAM SUBRAMANYAM,, S/O. L. CHINNA SUBBARAYUDU, AGED 36 YEARS.
61. POKURU MURALI,, S/O. P. SUBRAMANYAM, AGED 44 YEARS.
62. GURASALA DINESH,, S/O. G. RANGAIAH, AGED 33 YEARS.
63. BANKAPURI SIVA ANIL KUMAR,, S/O. B. KOTESWARA RAO, AGED 31 YEARS.
64. NARADASU MANIKANTA,, S/O. N. RAMA CHANDRAIAH, AGED 31 YEARS.
65. KUNTUR HARI BABU,, S/O. K. SREENIVASULU, AGED 35 YEARS.
66. PULLAGANTI ARUNA,, D/O. P. SUBBARAMAIAH, AGED 35 YEARS.
(ALL ARE FOR THE SERVICES, NOTICES ETC. KOWLURI BALA SUBRAMANYAM REDDY, S/O. K. LAKSHMIKAR REDDY, AGED 35 YEARS, AYYAPUREDDY PALLI VILLAGE, MANGAMPET, OBULAVARIPALLI MANDAL, KADAPA DISTRICT)

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, INDUSTRIES AND COMMERCE DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATHI, GUNTUR DISTRICT.
2. THE AP MINERAL DEVELOPMENT CORPORATION, REP BY ITS VICE CHAIRMAN AND MANAGING DIRECTOR, D.NO. 294/1D, 100 FEET ROAD, KANURU, VIJAYAWADA

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. G V SHIVAJI

Counsel for the Respondent(S):

- 1.V R N PRASHANTH
- 2.N JEEVAN KUMAR
- 3.GP FOR SERVICES II

WRIT PETITION NO: 19826/2020**Between:**

- 1.ANDHRA PRADESH MINERAL DEVELOPMENT CORPORATION LTD.,, THROUGH SRI K. RAMA CHANDRA REDDY, DGM (A.P. MINING CORPORATION), S/O. LATE K. KONDA REDDY, AGED 59 YEARS, 294/1D 100 FEET ROAD TADIGADAPA, ENIKEPADU ROAD KANURU VILLAGE, PENAMALURU MANDAL, VIJAYAWADA-521137, AP.

...PETITIONER**AND**

1. APDMC EMPLOYEES UNION, THROUGH K. BALASUBRAMANYAM REDDY APMDC LTD MANGAMPET BARYTES PROJECT RAILWAY KODUR, MANGAMPET KADAPA DISTRICT, AR
2. KOWLURI BALA SUBRAMANYAM REDDY, S/O. K.LAKSHMIKAR REDDY, AGED 35 YEARS,
3. PARLA SRINIVASULU, S/O. P.YANADAIAH, AGED 41 YEARS.
4. KAMBHAMPATI SUDARSAN, S/O. K.NARASIMHULU, AGED 34 YEARS.
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14. GUNISETTI VASANTHA KUMARI, D/O. G. RAMA SUBBAIAH, AGED 48 YEARS
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RESPONDENT NOS. 2 TO 63 IMPEADED AS PER COURT ORDER DATED 03.12.2025 VIDE IA.NO.1 OF 2022 IN WP.NO.19826 OF 2020.

...RESPONDENT(S):

Counsel for the Petitioner:

1. V R N PRASHANTH

Counsel for the Respondent(S):

1. G V SHIVAJI
2. N JEEVAN KUMAR
3. GP FOR SERVICES II

The Court made the following common order:

Heard Sri G.V.Shivaji, learned counsel for the petitioners in W.P.No.17629 of 2021 and learned counsel for respondent Nos.2 to 63 in W.P.No.19826 of 2020, learned Assistant Government Pleader for Services II and Sri N.Jeevan Kumar, learned Standing Counsel for APMDC appearing for the respondents.

2. The instant writ petition in W.P.No.17629 of 2021 is filed challenging the action of the 2nd respondent in failing to regularise the services of the members of the petitioner Union despite the Central Industrial Tribunal-cum-Labour Court award in I.D.No.9 of 2012, and further challenges the action of the respondents in continuing to employ the petitioners as trainees without regularising their services. The petitioners have sought a consequential direction to regularise the service of the petitioners with all consequential benefits, with effect from the award passed in I.D.No.9 of 2012 dated 23.07.2019.

3. It is contended that the lands of the petitioners were acquired for establishment of AP Mineral Development Corporation. In terms of the G.O.Ms.No.98 dated 15.04.1986, the petitioners were given an assurance for providing employment under the category of *displaced persons*.

4. It is contended that in terms of the said G.O. the petitioners were appointed as trainees in the year 2008. The respective qualifications of the

members of the petitioner's Union (hereinafter referred to as "*workmen*") range between graduation in Engineering to SSC. Since the said date of initial appointment, the workmen have been rendering their duties as Trainees. Despite working for a longer period, the respondents still consider the petitioners as *trainees* and pay them nominal salaries. Despite the completion of the minimum period of 240 days under Section 25B of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), their services were not regularized. In this regard, the Management and the representatives of the workmen entered into an agreement in the presence of the Assistant Labour Commissioner under Section 12(3) of the Act dated 05.04.1998. As per the said agreement, the Management was under an obligation to regularize the services of the trainees who had completed 240 days of training. Despite the said arrangement, as the Management did not take any measures to regularize the services, the petitioners' Union filed an Industrial Dispute. As the said dispute was not referred to the Industrial Tribunal, the petitioners Union filed a writ petition in W.P.No.4061 of 2012. The said writ petition was disposed of directing the respondents therein to take necessary steps for referring the matter to the Industrial Tribunal for adjudication. As per the said directions, the Central Government referred the dispute to the Central Industrial Tribunal-cum-Labour Court.

5. In pursuance of the said directions, the petitioners have filed their claim statement before the Tribunal. The same was numbered as I.D.No.9 of 2012. The Tribunal, after hearing the respondents, disposed of the I.D.No.9 of 2012

vide award dated 23.07.2019, observing that the services of the petitioners Union are required to be regularized providing equal pay for equal work. Accordingly, answered the Reference observing that action of the respondent's Corporation in not regularizing the services of the members of the petitioner's Union is not justified.

6. It is contended that despite the said award, the respondents have not passed any order regularizing the services of the workmen. Thus the petitioners have approached this Court by way of writ petition in W.P.No.17629 of 2021. The Corporation also filed another writ petition in W.P.No.19826 of 2020 challenging the award of the Tribunal.

7. The learned counsel for the petitioners contends that vide G.O.Ms.No.98 dated 15.04.1986 a scheme has been brought into effect wherein employment for displaced persons was granted, though initially on temporary basis, it provides for regularisation. Despite long years of service more than 15 years, the workmen are being continued on temporary status. It is further contended that on the basis of an award passed by the same Tribunal in I.D.No.1 of 2022 the services of similarly situated persons were regularised. It is contended that the petitioners have approached the Government as well as the Corporation seeking implementation of the order of Tribunal. The Government has taken a decision to implement the order of the Tribunal. However, no orders were passed in the said regard.

8. The learned counsel for the petitioner placing reliance of the Judgment of Hon'ble Apex Court in the case of ***Dharam Singh and others vs. State of U.P.***¹ and the Judgment of Hon'ble Apex Court in the case of ***Vinod Kumar and others vs. Union of India and others***² contends that the petitioners are entitled for regularization.

9. It is contended by the petitioners that they have been working against regular vacancies and their long years of service reflect the perennial nature of their duties.

10. Sri N.Jeevan Kumar, learned counsel appearing for the respondents would contend that the members of the petitioners' Union were appointed as long back as 15 years as trainees. Their services are still considered as trainees.

11. The learned counsel appearing for the respondent-Corporation submits that the petitioners were not regular employees of their Corporation. As they were appointed temporarily as trainees, their services cannot be regularised.

12. It is further contended that no assurances were ever given by the Management. The workmen cannot claim as a matter of right the regularisation of their services. The petitioners cannot claim themselves as workmen under the Act. As they were engaged as trainees, the provisions of Apprentices Act, 1961 would apply. It is contended that while appointing the workmen on temporary basis as trainees, the regular selection process was

¹ Civil Appeal No(s).8558 of 2018 dated 19.08.2025

² SLP (C) Nos.22241-42 of 2016 dated 30.01.2024

not followed. Whenever, permission was accorded by the State Government for filling up the regular vacancies, the Corporation would issue a public advertisement by issuing public recruitment notifications inviting applications from all eligible candidates.

13. The nature of appointment in the case of members of the petitioners Union would not call for any regularization. It is further argued that there is no master and servant relationship between the workmen and the Management. The cadre strength of the Corporation does not have sanctioned posts corresponding to trainee positions. Regularisation, contrary to the cadre strength the regularisation of services cannot be granted. It is further argued that the State Government is proper and necessary party to the writ petition however, the petitioners have failed to implead the State Government, on the said ground alone the writ petition is deserves to be dismissed.

14. It is further argued that the members of the petitioners Union in the instant case cannot be regarded as “Workmen” within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. Therefore, the Tribunal has no jurisdiction to adjudicate the issue raised in the present case.

15. Sri N. Jeevan Kumar, learned counsel for the Management argues that as the members of the petitioner Union were appointed as Trainees, any dispute regarding their service would be governed by the provisions of the Apprentices Act, 1961. And a Trainee cannot be considered as “*workman*”, and he does not have any statutory right to claim an appointment. The

employer is under no statutory obligation to employ him, nor can he be considered for absorption. An apprentice remains an apprentice trainee during the period of training and will not be treated as a workman. They would only be provided with training in accordance with the provisions of the Apprentices Act and the Rules. They are not entitled to seek regularization. In this regard the learned counsel for the Management relies on the Judgments of the Hon'ble Apex Court in the case of ***Dhampur Sugar Mills Ltd. vs. Bhola Singh***³, ***Haryana Power Generation Corporation Limited vs. Harkesh Chand and others***⁴, ***U.P. State Electricity Board vs. Shiv Mohan Singh and another***⁵, ***Managing Director, Hindustan Photo Films and another vs. H.B.Vinobha and others***⁶, ***State of Jammu and Kashmir and others vs. District Bar Association, Bandipora***⁷, ***Indian Drugs & Pharmaceuticals Limited vs. Workmen, Indian Drugs & Pharmaceuticals Limited***⁸ and the judgment of erstwhile Composite High Court at Hyderabad in the case of ***Executive Engineer, APSRTC, Karimnagar vs. K.Kanakaiah and another***⁹.

16. The learned counsel for the respondent-Management in support of his contention that under Article 226 of the Constitution of India no general directions can be issued for absorption or regularisation, unless the recruitment was made by following the due selection process of services.

³ (2005) 2 SCC 470

⁴ (2013) 2 SCC 29

⁵ (2004) 8 SCC 402

⁶ (2009) 15 SCC 50

⁷ (2017) 3 SCC 410

⁸ (2007) 1 SCC 408

⁹ 2015 SCC OnLine Hyd 764

17. Learned counsel places reliance on the judgment of Hon'ble Apex Court in the case of ***State of Karnataka vs. Uma Devi***¹⁰.

18. Considered the submissions.

19. The admitted facts are that the workmen in the instant case were appointed as trainees in 2008, as per the G.O.Ms.No.98, the land ousters are entitled to employment on a regular basis. However, they were appointed as trainees in 2008. They have been continued as such since 2008; the nature of duties assigned to them is that of the regular employees. The continuous service rendered over the years reflects the perennial nature of the job. The contention of the petitioner that workmen are trainees within the meaning of the provisions of Apprentices Act, 1961 is wholly unjustified having regard to the fact that the petitioners were engaged for operating the mines at Mangampet Village of Kadapa district, although at the relevant point of time they may have engaged them as trainees, the said **tag** cannot be continued perpetually, if the Management finds them not suitable for the job after completion of 240 days the it could have dispensed with their services, on the contrary it continued them and extracted work from the workmen for meagre salaries. It cannot shun away from its responsibility on the premise that no selection process was followed at the time of their appointment. The Apex Court has been repeatedly cautioning the employers against resorting to unfair trade practices at the expense of the livelihood of workmen/employees.

¹⁰ (2006) 4 SCC 1

20. In the light of the Judgments of the Hon'ble Apex Court in the cases of ***Dharam Singh*** (referred supra), ***Vinod Kumar*** (referred supra), ***U.P. Junior High School Council Instructor Welfare Association vs. State of Uttar Pradesh and others***¹¹, ***Shripal and another vs. Nagar Nigam, Ghaziabad***¹² and the decision of the Division Bench Judgment of this Court in W.P.No.44902 of 2018 and batch dated 17.03.2026. I do not see any perversity from the order of the Central Industrial Tribunal-cum-Labour Court award in I.D.No.9 of 2012 dated 23.07.2019.

21. In view of the foregoing, W.P.No.19826 of 2020 is dismissed and W.P.No.17629 of 2021 is disposed of, directing the 2nd respondent to regularize the services of the petitioners in terms of the award in I.D.No.9 of 2012, with effect from the date of the award passed by the Central Industrial Tribunal-cum-Labour Court, dated 23.07.2019. The petitioners are entitled to consequential benefits with effect from the date of regularization.

22. Accordingly, W.P.No.19826 of 2020 is dismissed and W.P.No.17629 of 2021 is disposed of. There shall be no order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Date: 01.05.2026
BSK

¹¹ S.L.P. (C) No.9459 of 2023 and batch dated 04.02.2026

¹² Civil Appeal No.8157 of 2024 dated 31.01.2025

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOS: 17629 OF 2021 & 19826 OF 2020

Date: 01.05.2026
BSK