



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

[3457]

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 12491/2013

Between:

- 1.V.SRINIVAS, S/O PUNDARIKAKSHAIAH PILLAI, AGED ABOUT 46 YEARS, OCC: JUNIOR ASSISTANT, O/O PROJECT DIRECTOR, A.P.STATE HOUSING CORPORATION, CHITTOOR, R/O 3-116, VELOOR ROAD, GREMSPET CHITTOOR, CHITTOOR DISTRICT.
- 2.M.R.JHANSI RANI, W/O BHASKAR REDDY, AGED ABOUT 51 YEARS, OCC: JUNIOR ASSISTANT, O/O PROJECT DIRECTOR, A.P.STATE HOUSING CORPORATION, CHITTOOR, R/O 22-1097, SBI COLONY, CHITTOOR, CHITTOOR DISTRICT.

...PETITIONER(S)

AND

- 1.GOVERNMENT OF ANDHRA PRADESH REP BY ITS PRINCIPAL, SECRETARY, HOUSING DEPARTMENT SECRETARIAT, HYDERABAD.
- 2.THE A P STATE HOUSING CORPORATION LIMITED, REP. BY ITS MANAGING DIRECTOR, HIMAYATHNAGAR HYDERABAD.
- 3.THE PROJECT DIRECTOR A P STATE HOUSING CORPORATION LIMITED, CHITTOOR, CHITTOOR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.K MOHAN RAMI REDDY

Counsel for the Respondent(S):

1.K MALLIKHARJUNA MOORTHY

2.M RAVINDRANATH REDDY(SC FOR APSHC)

The Court made the following:

ORDER:-

Petitioners were appointed as daily wage NMRs in the 2nd respondent. The 1st petitioner was appointed on 16.02.1989 and the 2nd petitioner was appointed on 17.05.1990. The petitioners were extended time scale from 03.02.2000 and the petitioners have been requesting for regularizing their services in terms of G.O.Rt.No.138, dated 08.05.2006.

2. The learned counsel appearing for the petitioners submits that the respondents have regularized several Work Inspectors who are working on NMR basis. However, insofar as regularizing the petitioners' services is concerned, they have denied the benefit of G.O.Rt.No.138. It is further submitted that the 2nd respondent has recommended the 54 employees who are working on NMR basis and are entitled for regularization. However, the 1st respondent has rejected the same vide order dated 07.03.2012. The reason assigned by the 1st respondent for rejecting the regularization of the services of 54 employees is that the employees were engaged without there being any clear vacancy and only 9 candidates were appointed against the vacancies. It is also submitted that the said reasoning is frivolous and is made out only for evading the regularization of the services of the petitioners. It is also stated that the said order that none of the petitioners could be considered for regularization, as they did not complete 5 years of service as on the cut-off date as mentioned in G.O.Ms.No. 212.

3. It is also submitted that the 1st respondent has issued G.O.Rt.No.242 dated 22.11.2014 whereby the respondents considered regularization of

several Junior Assistants. However, the petitioners' case was not considered solely on the ground that the petitioners did not complete 5 years of service as on 25.11.1993.

4. Learned Standing Counsel, appearing for the 2nd respondent submits that a detailed counter is filed and that the petitioners were engaged on daily wage basis. However, considering their services the 2nd respondent has also considered their request and extended minimum time scale vide proceedings dated 30.03.2000. It is further submitted that insofar as regularization of other employees is concerned, the 1st respondent has accorded sanction for regularizing the services of those employees who had completed 5 years of continuous service as on 25.11.1993 in accordance with G.O.Ms.No.212.

5. It is also submitted that the 1st petitioner was engaged on a temporary basis and his appointment is liable to be terminated at any point of time without notice and without assigning any reasons, as was clearly intimated to the petitioners at the time of engaging them on daily basis on 16.02.1989. It is also submitted that the 2nd petitioner had attained the age of superannuation pending disposal of the writ petition. Even her engagement was purely temporary and liable to be terminated at any point of time without any notice. The petitioners were aware of the terms of engagement and as such cannot seek for regularization of their services.

6. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for respondent Nos.2 and 3.

7. Perused the record.

8. Admittedly the petitioners have been discharging their duties as Junior Assistant from 16.02.989 onwards. The 1st petitioner has so far served the 2nd respondent as a Junior Assistant for the past 37 years. The stand of the respondents that the case of the petitioners could not be considered for regularization on account of the petitioners not being qualified for consideration for regularization on account of non-completion of minimum 05 years service as on 25.11.1993 is concerned. The respondents ought to have considered the long service of the petitioners and also ought to have considered that the petitioners have been working against a sanctioned post and a clear vacancy. It is not the case of the respondents that the services of the petitioners were engaged on piece meal basis or as and when there was a necessity for engaging their services. Insofar as the 1st petitioner is concerned, the 1st petitioner is also on the verge of attaining the age of superannuation.

9. The Hon'ble Supreme Court judgment in ***Pawan Kumar & others Vs. Union of India & others***¹ had considered a similar issue relating to regularization of casual/NMR workers. The Hon'ble Supreme Court has also considered that several employees who are working in the Income Tax department and their services were regularized by the orders of the Court, the same benefit ought to have been extended to the appellants therein and directed the respondents to regularize the service of the petitioners therein.

¹ 2026 SCC OnLine SC 200

10. On the facts of this case, it is not in dispute that the 1st petitioner is working continuously from the year 1989 against an existing vacancy to the sanctioned post. Similarly placed Junior Assistants, services were regularized primarily on the ground that the said employees had completed 05 years of service in terms of G.O.Ms.No.212. It is also pertinent to refer to the proceedings of the 2nd respondent, dated 07.04.2012 and the proceedings dated 19.07.2006. The proceedings dated 19.07.2006 were addressed by the 2nd respondent to the 1st respondent seeking to consider the regularization of services of the employees whose list was forwarded. The 2nd respondent has considered the regularization of 305 work inspectors in terms of G.O.Rt.No.138 and placed the petitioners on par with the said employees and sought for regularizing the services of the 63 employees. The 1st respondent has responded after 06 years vide proceedings dated 07.04.2000 and simply rejected the case of the petitioner by referring to the G.O.Ms.No.212. When the respondents have regularized the services of similarly placed employees, nothing should have forbidden the respondents in considering regularization of the petitioner's services as well. Now that the 2nd petitioner has already attained the age of superannuation, the case of the 1st petitioner would have to be considered.

11. On these considerations, this Court is of the considered view that the petitioner has been treated unfairly and discriminatory treatment has been meted to the petitioners. As such, there shall be direction to the respondents

to regularize the service of the 1st petitioner and extend the notional service benefits from the date of his initial engagement.

12. Accordingly, writ petition is disposed off. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date.17.02.2026
SR