



[3219]

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY ,THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION (TR) NO: 6412 OF 2017

Between:

1. K.RAMA DEVI, D/o.Pullama Raju, Aged about 50 years, Working as STO, Olo.DTO, Mahabubnagar.
2. B.Hari Prasad, S/o.P.Balakistaiah, aged 51 years, STO,. Kalwakurthy, Mahabubnagar District.
3. M.Krishnaiah, S/o.M.Roshnappa, aged about 53 years, Olo.STO, Hayathnagar, R.R Dist.
4. K.Hanmanthu, S/o.K.Ashappa, aged about 59 years, Worked as STO, (Retd) Olo.OTO, Mahabubnagar
5. Nagabhushanam, S/o.Narayana, Aged about 52 years, Working as STO, Olo.OTO, Mahabubnagar.
6. Eshwarappa, S/o.Neelappa, aged about 51 years, Olo STO, Nampally, Nalgonda dist.
7. M.A.Hafeez, S/o.Abdul Raheem, aged about 51 years, Working as STO, Olo.STO, Devarkonda, Nalgonda Dist.
8. Khajawaheeduddin Chisti, S/o.Ameenuddin Chisti, Aged about (52) years, Working as STO, o/o.DTO. Mahabubnagar.
9. V.Umadevi, D/o.V.Bhadrapa, aged about 48 years, Working as STO, Olo.DTO, Mahabubnagar.
10. A.Balaraju, S/o A Chandraiah, aged about 49 years, STO, Olo.STO(HQ), Mahabubnagar
11. S Venkat Kumar, S/o.Nagappa,Working as Senior Accountant, aged about 54 years, Olo DTO,Mahabubnagar
12. L.S.M.Prabhu, S/o.Nagendrapa, aged about 54 years, Working as Senior Accountant, A, Olo. STO, Jadcherla, Mahabubnagar District.
13. G.Shivakumar, S/o.G Veeranna, aged about 50 years, Working as STO, Olo.DTO, Mahabubnagar.
14. Arup Kumar, S/o.J.Bhanja, aged about 54 years, Working as STO, Olo.STO, Alampur, Mahabubnagar District.
15. N.Chandraiah, S/o.Narasimha, Senior Accountant (Retd), Aged about 60 years, O/o.STO, Nagarkurnool, Mahabubnagar District.
16. S.Pavan Kumar, S/o.Janakiramulu Goud, Aged about (56) years, Working as STO,O/o.STO, Wanaparthy, Mahabubnagar District.

...PETITIONERS

AND

1. The State of Telangana, represented by its Principal Secretary, Finance and Planning Dept., T .S.Secretariat, Hyderabad.
2. The Director of Treasuries & Accounts (FAC), Telangana, Hyderabad
3. The Deputy Director, District Treasury Office, Mahabubnagar.,

...RESPONDENTS



2024:TSHC:25962

Petition under Section 226 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to call for the records relating to the impugned Memo. No. 229/A1/Admn.1/03/2014/2014, dated 19-03-2016 issued by the 1st respondent and its consequential orders of Director of Treasuries and Accounts, Telangana State, Hyderabad in Memo.No.A4/1377/2016, dt.22-07-2016 to set aside the same as illegal, arbitrary, nothing but misinterpreting the facts on record and violation of Article 14 of the Constitution of India despite the fact that the respondents have no jurisdictions to change, alter or modify the date of appointment made as per rules, by holding that the service of the applicants entitled to be taken into consideration from the dates of their initial appointments i.e., 02.01.1989 for regularization of their services as was done in similarly situated persons vide G.O.Ms.No.3072, Fin. Dated 03/07/2010 in terms of Judgment of this Honble Tribunal in O.A. No.4907 of 1992 dated 24-12- 2002 R/w judgments in WP No.15476 of 2004 dated 05-12-2008 in SLP No.1896 of 2010 dt. 15.02.2010 with all consequential benefit

Counsel for the Petitioner: SRI A. RADHA KRISHNA

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following: ORDER



THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI
WRIT PETITION (T.R.) No.6412 of 2017

ORDER:

In this Writ Petition, the petitioners are challenging the Memo No.229/A1/Admn.1/03-2014/2014, dated 19.03.2016 and its consequential order dated 22.07.2016, issued by the 1st respondent as illegal and arbitrary and unconstitutional and consequently to set aside the same and direct the respondents to consider the date of regularization of the service of the petitioners from the date of their initial appointment as was done in the similarly situated persons vide G.O.Ms.No.3072, Fin., dated 03.07.2010, which was issued in terms of the Judgment of the Tribunal in O.A.No.4907 of 1992, dated 24.12.2002, which was confirmed in W.P.No.15476 of 2004, dated 05.12.2008 and the SLP.No.1896 of 2010, which was dismissed vide



order, dated 15.02.2010 and to pass such other order or orders.

2. Brief facts leading to the filing of the present writ petition are that the Government had issued G.O.Ms.No.172, I&TE.Department, dated 11.05.1987, to fill up the vacancies in the Treasury Department and Joint Collector, Mahabubnagar has made a requisition to the Employment Exchange for the said purpose by sponsoring certain candidates to work on commission basis. Accordingly, the District Employment Officer, Mahabubnagar has forwarded a list of 42 candidates wherein the names of the petitioners are shown. Accordingly, the petitioners were called for the written test and interview to be held on 22.12.1988 and on their being successful, they have been appointed as Money Order Writers w.e.f. 02.01.1989. Similar appointments were made in other districts as well. Subsequently, G.O.Ms.No.193, GAD.Dept., dated 14.03.1990 was issued for regularization of services of the daily wage



workers where they have worked for more than six months continuously without break except for break due to holidays. Accordingly, the services of the petitioners have been regularized w.e.f 02.04.1991, 14.11.1991, 16.04.1992, 30.04.1992 and 18.08.1993 respectively, by giving benefit of prospective of regularization instead of from initial date of appointment. Similarly placed persons have challenged the said prospective regularisation orders in O.A.No.4907 of 1992 before the Tribunal and the Tribunal had allowed the said O.A. vide orders, dated 24.12.2002, by holding that the services of the petitioners therein have to be regularized from the date of their initial appointment. The Government has challenged the said order before this Court in W.P.No.15476 of 2004, which confirmed the order of the Tribunal and thereafter, the Government carried the matter up to the Hon'ble Supreme Court in SLP.No.1896 of 2010 and vide orders, dated 15.02.2010, the SLP was dismissed. It was



thereafter that the respondents have complied with the directions of the Tribunal and have granted regularization of service to the petitioners therein from the date of their initial appointment and G.O.Ms.No.3072, dated 03.07.2010 was issued.

3. Thereafter, the petitioners herein made several representations to the department for considering their case also for regularization from the date of their initial appointment and when the same were not considered, they filed O.A. before the Tribunal which was registered as O.A.No.3623 of 2016 and after abolition of the Tribunal, the said O.A. was transferred to this Court and was renumbered as W.P.(T.R).No.6412 of 2017.

4. Learned counsel for the petitioners submitted that the petitioners are also similarly placed as the petitioners in O.A.No.4907 of 1992 and therefore, the petitioners should also be given similar relief. It is submitted that the respondents have rejected the case of the petitioners vide Memo No.A4/1377/2016,



dated 22.07.2016 on the ground that it is not feasible in view of Para No.12 of G.O.Ms.No.193, GAD.Dept., dated 14.03.1990.

5. Learned Government Pleader appearing for the respondents have relied upon the averments made in the counter affidavit and submitted that the claim of the petitioners for regularization has been considered and thereby granted regularization from 1991 onwards and therefore, there is no case for the petitioners. It is further submitted that the petitioners have approached this Court with a delay of 25 years and therefore, the writ petition is not maintainable.

6. Learned counsel for the petitioner, however, submitted that after the decision of the Hon'ble Supreme Court, the petitioners have been pursuing the matter with the department and has filed copies of the representations submitted by the petitioners to the department which has been obtained under the Right to Information Act and submitted that since



the Hon'ble Supreme Court has already granted relief to the similarly placed persons, the petitioners are also to be considered for the same relief. He placed reliance upon the Judgment of the Hon'ble Supreme Court in the case of ***Prem Devi Vs. Delhi Administration***¹ in support of his contentions.

7. Having regard to the rival contentions and the material on record, this Court finds that the G.O.Ms.No.193, GAD.Dept., was issued in the year 1990 and accordingly, the services of petitioners were also regularized with prospective effect. However, the claim of the petitioners is to regularize their services from the date of their initial appointment. Similarly placed persons have already approached the Tribunal and the matter has reached upto the Hon'ble Supreme Court and the Hon'ble Supreme Court has confirmed the order of the Tribunal and has refused to interfere with the order of the Tribunal. Therefore, the issue of regularization

¹ 1989 LawSuit (SC) 232



of services of the petitioners from the date of their initial appointment has already been settled and has become final. As held by the Hon'ble Supreme Court in the case of ***Prem Devi Vs. Delhi Administration (cited supra)***, the respondents ought to have taken steps to confer the benefit to all similarly placed persons, instead of driving each and every person to the Court. The relevant portion of the decision is reproduced hereunder for ready reference:-

“(3) Thereafter these two petitioners have again filed Writ Petition alleging that they have retired and therefore they are entitled to the same pensionary benefits which were given to Smt. Rekha Mehta as they belong to the services of Nari Niketan institution, subsequently absorbed in the services of Delhi Administration. It is also not in dispute that these petitioners repeatedly approached the respondent Delhi Administration and made representations for getting the pensionary benefits as were granted to Smt. Rekha Mehta after the orders were passed by this Hon'ble court. Unfortunately in spite of all this nothing was done consequently these two Writ Petition were filed before this court. Learned counsel appearing for the Delhi Administration attempted to contend that the decision in the case of Smt. Rekha Mehta will not be applicable but realising the difficulty he only read through the affidavit filed in return wherein a long story as to how the papers were tossed from department to department and ultimately no decision was taken. There is also reference to the government of India, Ministry of Personnel and Training, Public Grievances and Pensions and it is stated that in the opinion of these departments the judgment of this court in Smt. Rekha Mehta was a judgment in the particular case only and these petitioners are not entitled to pensionary



benefits. It is unfortunate that such a simple affair where the services in an institution under the control of the Delhi Administration and fully funded by the Delhi Administration when taken over and the staff absorbed in the Delhi Administration it could be said that they will not be entitled to ordinary facilities like the pensionary benefits when available to other staff of the Delhi Administration and apart from it when one case of an employee of the institution whose services were absorbed in the Delhi Administration has been decided by this court still the counter-affidavit indicates the working of the departmental officials who chose to opine that it is not binding on the government. That was a case only of a particular employee in spite of the fact that Union of India is alleged (sic arrayed) as a party. It has chosen not to keep a counsel present at the time of hearing of these petitions. All these circumstances go to indicate as to how the matters are handled by our administration resulting in unnecessary litigation and heavy expenditure on the public exchequer. Apart from the expenditure of litigation the costs that have to be paid in such litigation.

(4) The facts as are not in dispute the case of one of the employees having been decided by this court it was expected that without resorting to any of the methods the other employees identically placed would have been given the same benefit, which would have avoided not only unnecessary litigation but also of the waste of time and the movement of files and papers which only waste public time. Learned counsel only read out the counter and stated that it was thought that the case of Smt. Rekha Mehta will not be applicable to the case of the present petitioners although learned counsel had no argument in law to support such a contention. The petitions are therefore allowed and it is directed that the petitioners shall be paid their pensionary benefits within 3 months from today. It is further directed that the petitioner shall be entitled to costs of Rs. 2,500.00 in each case. It is also directed that the matter will be considered at the appropriate level to see that such things do not happen in future so that unnecessary litigation is avoided and costs to the public exchequer is saved."



The ground taken by the respondents was that the petitioners have approached the respondents for relief after a lapse of 25 years is not correct. No doubt, the petitioners have approached the respondents after 10 years of issuance of the G.O. in the year 1990 and after the issue has been settled by the Hon'ble Supreme Court, but the respondents thereafter, ought to have considered the case of the petitioners in the light of the Hon'ble Supreme Court Judgment, by granting the benefit of regularization from the date of their initial appointment, instead of driving all the similarly placed persons to the Courts, as held by the Hon'ble Apex Court in the above referred case of ***Prem Devi Vs. Delhi Administration (cited supra)***.

8. In view of the same, the writ petition is allowed and the respondents are directed to confer the benefit of the regularization from the date of initial appointment of the petitioners herein and confer all the consequential benefits to the



petitioners. The Monetary Benefit consequent to such regularization shall be computed and paid to the petitioners, within a period of six (06) months from the date of receipt of a copy of this order, with interest @ 6% p.a. from the date of their representations till the date of appointment. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall also stand closed.

//TRUE COPY//

SD/- K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Finance and Planning Dept., T.S. Secretariat, T.S., Hyderabad.
 2. The Director of Treasuries & Accounts (FAC), Telangana, Hyderabad
 3. The Deputy Director, District Treasury Office, Mahabubnagar.,
 4. One CC to SRI A. RADHA KRISHNA, Advocate [OPUC]
 5. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana at Hyderabad [OUT]
 6. Two CD Copies
- B M
GJP



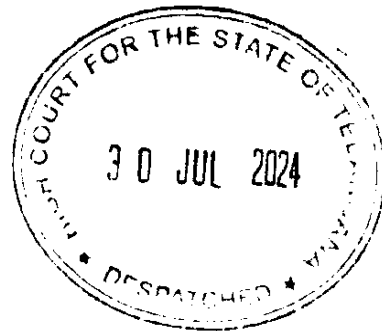
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HIGH COURT

DATED:27/06/2024

ORDER

WP(TR).No.6412 of 2017



ALLOWING THE WRITPETITION (TR)
WITHOUT COSTS

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MEMA
30/7/2024