

APHC010434162025



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

[3545]

MONDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 955/2025

Writ Appeal under clause 15 of the Letters Patent to allow the Writ Appeal by setting aside the orders dated 01.04.2025 in W.P(AT).No.271 of 2022 and pass

Between:

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY, ENVIRONMENT FOREST SCIENCE AND TECHNOLOGY DEPARTMENT VELGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DIVISIONAL FOREST OFFICER,, CHINTUR DIVISION, CHINTUR, EAST GODAVARI DISTRICT.
3. THE DIVISIONAL FOREST OFFICER,, LOGGING DIVISION, CHINTUR, EAST GODAVARI DISTRICT.
- 4.. THE CHIEF CONSERVATOR OF FOREST,, RAJAMAHENDRAVARAM CIRCLE, RAJAMAHENDRAVARAM EAST GODAVARI DISTRICT.
5. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,, A P GUNTUR, NAGAVARAMPAIERN, EAST GODAVARI DISTRICT.

...APPELLANT(S)

AND

1. A SAMPATH KUMAR, S/o A Ramachandra Charyulu, Aged 53 years, working as Junior Assistant, Forest Department, Office of the Divisional Forest Officer, Logging Division, Chintur, E

ast Godavari Dist, R/o Chintur, East Godavari District.

...RESPONDENT

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Condone the delay of (109) days in filing the present Writ Appeal and to pass s

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of orders dated 01.04.2025 in W.P(AT).No.271 of 2022 pending disposal of the Writ Appeal and pass

Counsel for the Appellant(S):

1.GP FOR SERVICES I

Counsel for the Respondent:

1.K R SRINIVAS

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL No.955 of 2025

JUDGMENT: *(Per Hon'ble Sri Justice Battu Devanand)*

This Writ Appeal is filed against by the order, dated 01.04.2025 passed by the learned Single Judge of this Court in W.P(A.T).No.271 of 2022.

2. Both the parties in the appeal will be referred to as they are arrayed in the writ petition for convenience.

3. The facts leading to filing of this Appeal are herein under:-

i) Writ Petition(AT) No.271 of 2022 is filed against the action of the respondents/appellants in not regularizing the services of the applicant though he has completed 5 years of service as on 25.11.1993 and continuing as on that date till today and satisfying the conditions laid down in G.O.Ms.No.212, dated 22.4.1994 as illegal, arbitrary, unjust and consequently direct the respondents to regularize the services of the applicant as Technical Maistry (Junior Assistant) in terms of G.O.Ms.No.212, dated 22.4.1994 by fixing an outer time limit and pass such other order or orders.

ii) The case of the writ petitioner is that he was appointed as Technical Maistry on daily wage basis in the respondent department on 09.08.1988 to 07.04.1990 and again from 08.04.1990 to 30.06.1994 and

thereafter, he has been continued on daily wage basis. As such, he has completed more than 30 years of daily wage service in the department. He passed B.Com and also qualified in English typewriting higher and Telugu typewriting. As per G.O.Ms.No.212, dated 22.04.1994, he is entitled for regularization of service as he had completed five years of service as on 25.11.1993 which is the cut-off date fixed in G.O.Ms.No.212, dated 22.4.1994. He submitted representations to the respondents seeking for regularization of his services. But, no action has been taken by the respondents except sending proposals. The respondents *vide* G.O.Rt.No.384, dated 20.07.2010 has extended minimum time scale of pay to those who were continuing in the department as on 25.11.1993. The respondents prepared a list of persons working as daily wage/NMR/ consolidated pay basis in the Forest Department as on 25.11.1993. In the said list, the name of the petitioner was shown at Sl.No.19. As such, the contention of the learned counsel for the petitioner is that he is eligible for regularization of his service.

4. In the Writ Petition, respondents filed counter affidavit, wherein it is averred that the petitioner was engaged as a Typist on daily wage basis as and when required by paying the rates fixed by the District Collector, Khammam from time to time for the days he was engaged. His first engagement was on 08.01.1991 as Typist on daily wage basis and worked afterwards with break in period of service. Thereafter, he was engaged on 01.07.1994 and worked continuously on daily wage basis. It is further averred in the counter affidavit that the minimum period required for regularization of

services as on 25.11.1993 is five years and he/she should be continuing as on 25.11.1993. As the services of the petitioner are continuous from 01.07.1994 only, he has no continuous service of 5 years as on the cut-off date. As the petitioner was found not eligible for regularization he was granted remuneration at the minimum time scale of pay. Speaking order was also passed that the petitioner is not eligible for regularization of service as he has not fulfilled the conditions prescribed in G.O.Ms.No.212, Finance (FW PC-III) Department, dated 22.04.1994.

5. Having considered the contentions of both sides, the said Writ Petition is allowed, directing the respondents to regularize the services of the petitioner as Technical Maistry (Junior Assistant) in terms of G.O.Ms.No.212, Finance (FW PC-III) Department, dated 22.04.1994, within a period of two months from the date of receipt of a copy of the order. Aggrieved by the order of the learned Single Judge, the present Writ Appeal has been filed.

6. Heard the learned Government Pleader appearing for the appellants/respondents and the learned counsel appearing for the writ petitioner/respondent. Carefully examined the material available on record.

7. On perusal of the order passed by the learned Single Judge, it appears that the learned Single Judge has observed that there is no denial by the respondents therein in the counter affidavit with regard to copies of service certificates, dated 07.04.1990, 30.06.1994 filed by the petitioner. They clearly indicate that the petitioner worked as daily wage technical maistry from

09.08.1988 to 07.04.1990 and from 08.04.1990 to 30.06.1994. Hence, both of them indicate a continuous period of service of the petitioner from 09.08.1988 to 30.06.1994. The learned Single judge also observed that the initial employment of the petitioner on 09.08.1988 is an admitted fact and it is evident from the statement showing the list of persons working as daily wage / NMR / Consolidated Pay basis in the Forest Department as on 25.11.1993. Further, the name of the petitioner was placed at Sl.No.19. Considering all these factual positions and the material available on record, the learned Single Judge held that the petitioner had completed his service of 5 years long before G.O.Ms.No.212, Finance (FW PC-III) Department, dated 22.04.1994 and has been continuing in the same capacity and he was denied the benefit of regularization of service from the date of the above G.O.

8. The learned Government Pleader appearing for the appellants/respondents would submit that the learned Single Judge ought to have considered that the petitioner has not fulfilled the conditions as per G.O.Ms.No.212, Finance (FW PC-III) Department, dated 22.04.1994 for regularization of his service. He further contends that the learned Single Judge ought to have considered that the petitioner was initially appointed as typist on 08.01.1991 and worked with break period on daily wage basis. He further submits that the petitioner joined as computer operator in the year 1988 as per the document filed by the respondent. But, in fact in the year 1988, there is no computer operator post and the department also was not computerized. He further submits that the learned Single Judge ought to have

considered that as per the interim orders passed by the Tribunal, the authorities considered the case of the petitioner and rejected *vide* proceedings, dated 07.06.2019 as he does not fall under G.O.Ms.No.212, Finance (FW PCIII) Department, dated 22.04.1994. In view of the same, he would submit that the order of the learned Single Judge is not in accordance with law and sought to set aside the same by allowing the Writ Appeal.

9. On the other hand, learned counsel appearing for the writ petitioner/respondent would submit that the service certificate issued by the Forest Range Officer, Lakkavaram Range, dated 07.04.1990 clearly proves that the petitioner worked as daily wage technical maistry during the period from 09.08.1988 to 07.04.1990 and the certificate, dated 30.06.1994 issued by the Forest Range Officer, Kunayaram range, Chintur proves that the petitioner worked as daily wage technical maistry from 08.04.1990 to 30.06.1994. There is no dispute that these two certificates are attested by the concerned Divisional Forest Officers. As and when these two certificates issued by the officers of the Forest Department are attested by the concerned Divisional Forest Officers, now the department cannot dispute the genuineness of that certificates. On perusal of the statement of the list of the persons worked in the Forest Department as on 25.11.1993, which was issued in the name of Special Chief Secretary to Government, it appears that the name of the petitioner was placed at Serial No.19. It is mentioned therein that the date from which the petitioner is working and length of continuous service is with effect from 09.08.1988. Infact, the respondents are not disputing the

statement and the certificates issued by the Forest Department officers as mentioned herein above. In the light of the said documents, in our view there is no substance in the contention of the respondents that the petitioner worked in the Forest Department only from 08.01.1991. Though he worked with break period on daily wage basis, as per the terms and conditions mentioned in the G.O those persons who are in continuous service of 5 years as per the cut-off date mentioned there in were eligible for regularization. In the present case, admittedly, the petitioner is continuously working there and he has completed 5 years of service as on the cut-off date. Hence, he is entitled for regularization of service as directed by the learned Single Judge of this Court.

10. For the aforesaid reasons, there are no merits in this Writ Appeal.

11. Accordingly, Writ Appeal is dismissed and the order of the learned Single Judge is upheld.

12. There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Dated: 06.10.2025

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THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL No.955 of 2025

Dt.06.10.2025

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