Date of reserved for orders : 13.07.2026
Date of pronouncement : 23.07.2026
Date of uploading : 23.07.2026

APHC010255742020

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI [3330]**
**(Special Original Jurisdiction)**

THURSDAY, THE 23rd DAY OF JULY 2026

**PRESENT**
**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**WRIT PETITION No.16832 of 2020**

**Between:**

1. DANDE CHANDRA SEKHAR,, S/O. VENKATA RAO, AGED ABOUT 52 YEARS, OCC. ATTENDAR, R/O. D NO. 8-5-51, SEELAM VARI STREET, 21ST WARD BAPATLA, GUNTUR DISTRICT, A.P.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP BY ITS SPECIAL CHIEF SECRETARY, AGRICULTURE AND COOPERATION DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, A.P.
2. THE STATE OF ANDHRA PRADESH, REP BY ITS SPECIAL CHIEF SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, GOVERNMENT OF ANDHRA PRADESH, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, A.P.
3. ACHARYA NG RANGA AGRICULTURAL UNIVERSITY, ADMINISTRATIVE OFFICE, REP BY ITS REGISTRAR, LAM, GUNTUR DISTRICT, AP.
4. ASSOCIATE DEAN, N.T.R. COLLEGE OF FOOD SCIENCE AND TECHNOLOGY, BAPATLA, GUNTUR DISTRICT, A.P.

**...RESPONDENT(S):**

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 any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not regularizing the services of petitioner from date of completion of 5 years of service as arbitrary, illegal, violative of Articles 14 and 21 of the Constitution of India and consequently direct the

respondents to regularize the services of petitioner with effect from the date of completion of 5 years of service with all consequential benefits, arrears of salary with interest @ 12 percent per annum grant costs of the proceedings.

**Counsel for the Petitioner:**

1. M PITCHAIAH

**Counsel for the Respondent(S):**

1. GP FOR FINANCE PLANNING
2. YELLA REDDY RAJANALA (SC FOR ANGRAU)
3. 
4. S PRANATHI

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**WRIT PETITION No.16832 of 2020**

**ORDER:**

The present Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

> "…..to issue any writ, order or direction more particularly one in the nature of ***Writ of Mandamus*** declaring the action of the respondents in not regularizing the services of petitioner from date of completion of 5 years of service as arbitrary, illegal, violative of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to regularize the services of petitioner with effect from the date of completion of 5 years of service with all consequential benefits, arrears of salary with interest @ 12% per annum grant costs of the proceedings and pass such other orders or orders……."

2. The present Writ Petition for regularisation the services of the petitioner. The petitioner is seeking regularization on the ground that he was joined as Casual Labourer on 13.11.1989 in Agriculture Farm Bapatla and later he was shifted to Home Science College (Food Science and Technology) of the 3rd respondent at Bapatla. The 3rd respondent issued proceedings dated 08.10.2008 placing the petitioner on Time-Scale and the same is being revised from time to time as and when new PRC come into force, the petitioner is being granted DA and HRA from time to time. The government has revised the pay scales

vide G.O.Ms.No.142 on 27.08.2018 and G.O.Ms.No.26 extending them to Full-time/NMR/Daily Wages/Consolidated Pay/Part-time who were appointed before 25.11.1993, the petitioner benefited on both occasions The petitioner possessed requisite qualification of S.S.C., to hold the post and also obtained Typewriting certificate in Lower Grade in English and the nature of work is perennial and as long as 3rd respondent university is in existence, the work of the petitioner is indispensable for its functioning. The 3rd respondent university started employing the petitioner as temporary for years together notwithstanding the fact that there is no temporariness in the work and duties discharged by the petitioner and such action of the 3rd respondent university is unfair labour practice under V Schedule of the Industrial Disputes Act, 1947 and the same is prohibited under the said Act. The petitioner has been serving the 3rd respondent university for more than 27 to 35 years and despite completing the 35 years of service, they are not regularising the services of the petitioner, which amounts to arbitrary, illegal, violative of Articles 14, 16 and 21 of the Constitution of India. Hence, pleaded to direct the respondents to regularize the services of the petitioner.

2. Learned counsel for the petitioner relied on the following judgments:

(1) Jaggo Vs. Union of India and others reported in 2024 SCC Online SC 3826, wherein the Hon'ble Supreme Court held that the claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices and the recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. Relevant paragraphs are extracted hereunder:

> "26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite

the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country."

(2) A Co-ordinate Bench of this Court in W.P.No.5009 of 2021 & 4465 of 2020 and batch dated 18.10.2024, after considering several

judgments of the Hon'ble Apex Court and mainly relying on the orders of this Court dated 08.09.2010 in W.P.No.24377 of 2007, which was confirmed by a Division Bench of this Court in W.A.No.782 of 2010, directed regularization of petitioner's services therein from the date of completion of 10 years of service.

(3) In the case of U.V.S.R.Prasad and others Vs. State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration & Urban Development, Secretariat, Velagapudi, reported in (2018) 2 ALD 282 (DB) and a Division Bench of the erstwhile High Court of Andhra Pradesh, after referring the judgment of the Apex Court in the case of State of Karnataka and others Vs. M.L.Kesari and others reported in (2010) 9 SCC 247, held that Act 2 of 1954 and G.O.Ms.No.212 dated 22.04.1994 do Work Inspectors not whittle down the width and the judgment of the Hon'ble Apex Court in the case of A.Manjula Bhashini & others Vs. The Managing Director, A.P. Women's Co-operative Finance Corporation Ltd., and another reported in (2009) 8 SCC 431, does to their satisfying not lower the trajectory of the directions in paragraph No.53 of its judgment of the Apex Court in State of Karnataka Vs. Umadevi reported in (2006) 4 SCC 1 and it is therefore not permissible for the respondents to take shelter under Act 2 of 19 and

G.O.Ms.No.212 dated 22.04.1994 to deny regularization to the petitioners who have admittedly satisfied the criteria laid down in paragraph No.53 of the judgment in State of Karnataka Vs. Umadevi's case (referred supra).

3. The contention of the respondents that raised that incumbent who has not completed 5 years as on 25.11.1993 in terms of G.O.Ms.No.212 dated 22.04.1994 was not eligible for regularisation was rejected in Writ Appeal No.591 of 2025 dated 17.06.2026, as the issue was no more res-integra, placing reliance on the Division Bench judgments of erstwhile high court in the case of U.V.S.R.Prasad and others Vs. State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration & Urban Development, Secretariat, Velagapudi (referred supra) and relying the judgment of the Apex Court. Hence, prayed to direct the respondents to regularize the services of the petitioner herein.

4. The contentions that raised in counter affidavit divulges in the following. The ground that that raised by the petitioner that he is continuously working as Casual Labour and time scale for years together with a view to deprive rights of a permanent workman is an unfair labour practice under Schedule-V of the Industrial Disputes Act,

1947, is completely wrong and misconceived and the petitioner has approached this Court without availing alternative efficacious remedy before the Industrial Tribunal and State of Karnataka Vs. Umadevi's case (referred supra) is not applicable to the present facts of the case and the petitioner is covered E.P.F. and M.P. Act and every month E.P.F. as per the norms is being remitted to his account number under establishment code No.GRGNT0019129000 and the Employee Provident Fund Organization will provide monthly pension as per rules to the individual as per the prescribed rates from the date of completion of 58 years. After issuance of G.O.Ms.No.212 dated 22.04.1994, the university has not received any such orders from the Government for regularization of services of any Casual Labour and the judgment relied on by the learned counsel for the petitioner in W.P.No.5009 of 2021 & 4465 of 2020 and batch dated 18.10.2024 was set aside by the Division Bench in W.A.No.213 of 2021. Hence, prayed to dismiss the Writ Petition.

5. Learned counsel appearing for the respondents 3 and 4 placed reliance on the judgment of the Apex Court in State of Uttar Pradesh and another Vs. Uttar Pradesh Rajya Khanij Vikas Nigam Sangharsh

Samiti and others reported in (2008) 12 SCC 675, wherein it is held as follows:

> 46. It is well settled that a Court of Law can direct the Government or an instrumentality of State by mandamus to act in consonance with law and not in violation of statutory provisions. Unless a Court records a finding that act of absorption of all employees of the Corporation either in Government Department or in any other Public Sector Undertaking is in accordance with law, no writ can be issued. Therefore, even on that ground, the directions of the High Court deserve to be set aside."

6. Learned counsel for the respondents 3 and 4 also relied on the judgment of the Apex Court in A.Manjula Bhashini and others Vs. Managing Director, Andhra Pradesh Women's Co-operative Finance Corporation Limited and another reported in (2009) 8 SCC 431 for the proposition that who has not completed five years of service as on 25.11.1993, he is not entitled for regularisation relying on certain provisions of the Andhra Pradesh (Regulation of Appointment to Public Services and Rationalisation of Staff Pattern and Pay Structure) Amendment Act, 1998, here after referred as 'the Act'. And the relevant Section is hereby extracted hereunder for the benefit:

> 3. Amendment of Section 7.
>
> Section 7 of the principal Act:- Bar of Regularisation of Services:

Bar for regularization of services - No person who is a daily wage employee
and no person who is appointed on a temporary basis under 1 [Section 3 and no person who] is continuing as such at such at the commencement of this Act shall have or shall be deemed ever to have a right to claim for regularisation of services on any ground whatsoever and the services of such person shall be liable to be terminated at any time without any notice and without assigning any reasons:

"Provided that the services of a person, who worked on daily wage/NMR/Consolidated pay/Contingent worker on full time basis continuously for a minimum period of five years and is continuing as such on the date of the commencement of the Act shall be regularised in accordance with the scheme formulated in G.O.Ms. No. 212, Finance & Planning (FW.PC. III) Department, dated the 22nd April, 1994:

Provided further that the services of a person who worked on part-time basis continuously for a minimum period of ten years and is continuing as such on the date of the commencement of this Act shall be regularised in accordance with the scheme formulated in G.O. (P).112, Finance & Planning (FW.PC. III) Department, dated the 23rd July, 1997."

> The preface of Act No.27 of 1998 clearly shows that the policy contained in G.O. dated 22.4.1994 was intended to be one time measure for regularisation of the persons employed on daily wages or nominal muster roll or consolidated pay, who completed 5 years continuous service on or before 25.11.1993, i.e., the date of enforcement of the 1994 Act and it was not a continuing scheme for regularisation of all `daily wage employees' as and when they were to complete 5 years period.
>
> The language of first proviso to Section 7 by which the policy of regularisation was engrafted in the 1994 Act shows that the amendments were made with the sole object of removing the ambiguity in the policy contained in G.O. dated 22.4.1994 and the same were not intended to nullify or override the judgment in the case of District Collector Vs. M.L.Singh case (supra)."

7. Heard the learned counsel for the petitioner and the learned counsel for the respondent Nos.3 and 4.

8. After giving anxious consideration of the submissions made by the learned counsel for both sides, the Court delivers the following judgment:

The primary contention of the respondents is that the petitioner was appointed on 13.11.1989. As per the 1st proviso to Section-7 of the

Act 1994 the incumbent must complete of 5 years as on 25.11.1993. The petitioner herein has not completed the statutory period of 5 years, when statutory rule says that incumbent shall work for 5 years as on the cut of date the statutory rules occupies the field, the employee could get right only under the said rule. The High Court was equally bound to consider the said rule and to come to the conclusion whether under the statutory rule. Such right must be a subsisting right and enforceable in a Court of Law and no such right of absorption has been shown by the petitioners. Court of Law can direct the Government or an instrumentality of State by mandamus to act in consonance with law and not in violation of statutory provisions.

9. The learned counsel for the petitioner would submit that the respondents have allowed the petitioner to discharge the duties for about 30 years approximately, now it does not lie in their mouth to say that the petitioner has not completed the 5 years by the date that the services of a person, who worked on daily wage/NMR/Consolidated pay/Contingent worker on full time basis continuously for a minimum period of five years as on 25.11.193 and is continuing as such on the date of the commencement of the Act cannot be regularised in

accordance with the scheme formulated in G.O.Ms. No. 212, Finance & Planning (FW.PC. III) Department, dated the 22.04.1994.

10. The Apex Court in the case of Jaggo Vs. Union of India and others reported in 2024 SCC Online SC 3826 (referred supra), held that the claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices and the recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled

11. The Apex Court in the case State of Gujarat & Ors. Vs. PWD Employees Union & Ors. Etc. (2013) 12 SCC 417, it was held that when the appropriate Government find that the employment is of perennial in nature etc., contract system stands abolished thereby it intended that if the workmen were performing the duties of the post which were found to be of perennial in nature on par with regular services they also required to be regularized. And also held that continuing the incumbent for more than 30 years without granting her service benefits amounts to arbitrary and erroneous and it is contrary to the Constitutional provisions in settled principles of law. And further observed in the said judgments that refusal to regularise the services on the ground that there are no

sanctioned posts is bad particularly when it is not the requirement of the G.O.Ms.No.212, dated 22.04.1994. The Hon'ble Supreme Court and the High Court has directed the authorities for regularization, even though there is no sanctioned post when the nature of work is perennial. In the present case, the petitioner is working since last 35 years. Hence it can be safely construed that the post is perennial in nature. Hence, in view of the above judgments, the contention of the respondents is hereby rejected, as there is no sanctioned post.

12. In Shripal & another Vs Nagar Nizam Ghaziabad reported in 2025 SCC Online SC 221, the Apex Court held that the State cannot take shelter of the Judgment of the Apex Court in *Uma Devi*'s case as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

13. In Dharam Singh Vs State of U.P., reported in 2025 SCC Online SC 1735 it is held: The contention of the U.P. Government is that no rules in the U.P. Higher Education Services Commission for

regularization. Moreover, the High Court observed that no vacancies existed against which the appellants could be considered.

14. The Apex Court has held that having regard to the long, undisputed service of the appellants, the admitted perennial nature of their duties, and the material indicating vacancies and comparator regularisations.

> "We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling "reconsiderations," and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India."

15. In Vinod Kumar Vs Union of India reported in (2024) 9 SCC 327, it was held that the failure to recognise of the substantive nature of their

roles and of their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and intent behind employment regulations.

16. If such an act of the respondents is allowed, it would demoralise, and such an act of the respondents should be eliminated. The condition that 5 years should be completed should be waived for the petitioner; otherwise, it will be legally unvindicable or legally untenable. Since the petitioner has remained in service for approximately 30 years, the Government is deemed to have waived the stipulation requiring five years of service as of as on 25.11.1993 , under the Andhra Pradesh (Regulation of Appointment to Public Services and Rationalisation of Staff Pattern and Pay Structure) Amendment Act 1998. The condition is legally considered fulfilled and accepted by the Government, as the employee was never terminated

17. Moreover, the petitioner possesses the requisite qualification, alongside a technical qualification and the revised time scale was extended from time to time and it is not the case of the respondents that the petitioner appointment is illegal. As per the judgment of the Apex Court in Umadevi’s case, even the selection of the petitioner is not through competitive method, it constitutes only an irregular appointment,

not an illegal appointment. More so, the respondents have extracted work from the petitioner for approximately for 30 years, pursuant to the law laid down by the Apex Court, the petitioner is entitled for regularisation.

18. This Court is unable to clap any significance with this faint argument of the respondents. It must be borne in mind that the period of five years has been completed. Hence, the respondents are directed to regularise the services of the petitioner from the date of his completion of 5 years from date of initial appointment.

19. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

**JUSTICE TARLADA RAJASEKHAR RAO**

Date: 23.07.2026

siva

**THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.16832 of 2020

Date: 23.07.2021

siva