

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 17008 OF 2020

Between:

P.Sailu, S/o. P.Nadipi Saianna, Aged about 49 years, Occ. Chain man, R/o. 13-61/B,
Near Police Station back side, Kotagiri Mandal, Nizamabad District-503207,

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government Revenue (Services II) Department, Telangana, Secretariat, Hyderabad.
2. The Chief Commissioner of land administration and Chief Secretary(FAC), Telangana State, Hyderabad.
3. The Assistant Director of Survey and Land records, Nalgonda-508001.
4. The District Collector, Nizamabad District.
5. The Revenue Divisional Officer, Nizamabad District.
6. The Tahsildar, Kotagiri Mandal, Nizamabad District.

...RESPONDENTS

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 declare the action of the respondents as illegal, irregular in violation of Art 14 and 16 of the Constitution of India in not regularizing the petitioner service from date of completion of 10 years of petitioner service following the Uma Devi's Judgment and also the Bench Judgments of the Hon'ble Supreme Court in Civil Appeal Nos.9413-9414 of 2019 dt. 13/12/2019(State of Uttar Pradesh and others) Respondents by issuing a Writ of Mandamus or any other Writ or direction or any other order or orders deems fit and proper in the interest of Justice and consequently direct the respondents to regularize petitioner service and release consequential benefits from the date of petitioner completion of 10 years of service i.e. 2000.

IA NO: 1 OF 2020

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 direct the respondents to regularize the petitioners services forthwith considering petitioners repeated representations following the Supreme Court Judgments of Uma Devi's Judgment and also the Bench Judgments of the Hon'ble Supreme Court in Civil Appeal Nos.9413-9414 of 2019 dt. 13/12/2019(State of Uttar Pradesh and others), as petitioner has completed 10 years of service as on 2000 and consequently direct the respondents to release petitioners consequential benefits from 2000 pending disposal of the writ petition.

Counsel for the Petitioner : Smt. K.N. VIJAYA LAXMI

Counsel for the Respondent: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17008 OF 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

Heard Smt K.N.Vijaya Lakshmi, learned counsel for the petitioner and the learned Government Pleader for Revenue.

This writ petition is filed seeking the following relief :-

".....to declare the action of the respondents as illegal, irregular in violation of Art 14 and 16 of the Constitution of India in not regularizing the petitioner service from date of completion of 10 years of petitioner service following the Uma Devi's Judgment and also the Bench Judgments of the Hon'ble Supreme Court in Civil Appeal Nos'9413-9414 of 2019 dt.13-12-2019 (State of Uttar Pradesh and others) Respondents by issuing a Writ of Mandamus or any other Writ or direction or any other order or orders deems fit and proper in the interest of justice and consequently direct the respondents to regularize petitioner service and release consequential benefits from the date of petitioner completion of 10 years of service i.e., 2000."

It has been contended by the petitioner that she has been appointed as chainman vide proceedings dt.01.08.1990 in the Revenue Department and has been discharging her duties to the best satisfaction of her superiors and everyone concerned. The grievance of the petitioner is that though she has rendered more than 30 years of service, the respondents are not considering her case for regularisation. Petitioner further contends that she had made a series of representations to the District Collector requesting for regularisation of her services by taking into

consideration the judgments rendered by the Hon'ble Supreme Court in ***State of Karnataka vs. Uma Devi***¹ and in ***Civil Appeal No's.9413-9414 of 2019 dt.13.12.2019*** (State of Uttar Pradesh and others) and the District Collector was pleased to forward the said proposals to the Commissioner of Land Administration who inturn forwarded the same to the State Government on 30.05.2017 and the same are pending before the State Government.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the proposals sent by the Commissioner of Land Administration on 30.05.2017 and pass appropriate orders by duly taking into account the judgments rendered by the Hon'ble Supreme Court stated supra.

Learned Government Pleader appearing for the respondents had contended that since the proposals sent by the Commissioner of Land Administration are pending before the State Government, the State Government would consider the same and pass appropriate orders in accordance with law within a reasonable period.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the State Government to consider the proposals submitted by the Commissioner of Land Administration vide proceedings dt.30.05.2017 and pass appropriate orders in accordance with law by duly taking into account the judgments passed by the Hon'ble Supreme Court in ***State of Karnataka vs.***

¹ 2006 (4) SCC 1

Uma Devi² and in **Civil Appeal No's.9413-9414 of 2019**
dt.13.12.2019 (State of Uttar Pradesh and others) and pass
appropriate orders in accordance with law within a period of three
(03) months from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of.
No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this
writ petition shall stand closed.

//TRUE COPY//

Sd/-I.NAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Government Revenue (Services II) Department, State of Telangana, Telangana Secretariat, Hyderabad.
2. The Chief Commissioner of land administration and Chief Secretary(FAC), Telangana State, Hyderabad.
3. The Assistant Director of Survey and Land records, Nalgonda-508001.
4. The District Collector, Nizamabad District.
5. The Revenue Divisional Officer, Nizamabad District.
6. The Tahsildar, Kotagiri Mandal, Nizamabad District.
7. One CC to Smt. K.N. Vijaya Laxmi, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

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HIGH COURT

AKS,J

DATED:30/09/2020

ORDER

W.P.No.17008 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COTS

(11)
17/10/20
HVR