IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 752 OF 2025

Writ Appeal under clause 15 of the Letters Patent Writ Appeal preferred against the order dated 17/12/2024 in W P No 2434 of 2019 and on the file of the High Court.

Between:

1. THE CHIEF EXECUTIVE OFFICER, Zilla Praja Parishad, Karimnagar District.
2. THE CHIEF EXECUTIVE OFFICER, Zilla Praja Parishad, Warangal Urban District

...APPELLANTS/RESPONDENT Nos. 3&4

AND

1. DUNDUKURI RAJESH, S/o late Mallaiah, Aged about 24 years, Occ Unemployed, R/o 2-57 High Scholl Road, Kamalapur Mandal, Warangal Urban District

.....RESPONDENT/WRIT PETITIONER

2. THE STATE OF TELANGANA, Rep. by its Principal Secretary, School Education Dept. Telangana Secretariat, Secretariat Buildings, Hyderabad
3. THE GOVERENMNET OF TELANGANA, Rep by its Principal secretary, PR and RD Dept. Telangana, Secretariat Buildings Hyderabad

...RESPONDENTS/RESPONDENTS

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 Order dated 17/12/2024 in W.P No 2434 of 2019 passed by the learned Single Judge of this Honourable High court

IA NO: 3 OF 2025

Between:

DUNDUKURI RAJESH, S/o late Mallaiah, Aged about 24 years, Occ Unemployed, R/o 2-57 High Scholl Road, Kamalapur Mandal, Warangal Urban District

.....PETITIONER/RESPONDENT No.1

AND

1. THE CHIEF EXECUTIVE OFFICER, Zilla Praja Parishad, Karimnagar District.
2. THE CHIEF EXECUTIVE OFFICER, Zilla Praja Parishad, Warangal Urban District

...APPELLANTS/RESPONDENTS

3. THE STATE OF TELANGANA, Rep. by its Principal Secretary, School Education Dept. Telangana Secretariat, Secretariat Buildings, Hyderabad
4. THE GOVERENMNET OF TELANGANA, Rep by its Principal secretary, PR and RD Dept. Telangana, Secretariat Buildings Hyderabad

...RESPONDENTS/RESPONDENTS

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 Vacate the Interim Orders granted by this Hon'ble Court on 17-07-2025, in I.A.No.2 of 2025 in W.A.No.752 of 2025

Counsel for the Appellant: SRI. PRADEEP REDDY KATTA
(SC FOR TG ZILLA PARISHAD)

Counsel for the Respondent No.1: SRI GURRAM SRINIVAS

Counsel for the Respondent Nos. 3: Ms. M. SHALINI, GP FOR SERVICES II

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Appeal No.752 of 2025

JUDGMENT:

Heard Mr.Katta Pradeep Reddy, learned counsel appearing for the appellants, Mr.Gurram Srinivas, learned counsel appearing for respondent No.1 and Ms.M.Shalini, learned Government Pleader for Services-II appearing for respondent No.3.

2. Appellants, who are the Chief Executive Officers of Zilla Praja Parishad, Karimnagar and Warangal Urban Districts, are aggrieved by the impugned direction dated 07.12.2024 issued in W.P.No.2434 of 2019, whereby the order dated 26.03.2017 rejecting the claim of the writ petitioner-respondent No.1 herein, i.e., the son of the part-time employee, for regularisation of his father's service was set aside, and a direction was issued to respondent No.3 therein-Chief Executive Officer, Zilla Praja Parishad, Karimnagar District, to pass appropriate orders for

appointment of the writ petitioner on compassionate grounds within a stipulated time.

3. Borne from the pleadings on record and bereft of unnecessary details, it can be culled out that the writ petitioner's father was engaged on part-time basis in the year 1987 under the Zilla Parishad and died in the year 2015 in the same status. He never made any claim for regularisation. After his death, the writ petitioner approached the learned Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal'), *vide* O.A.No.2073 of 2016, for regularisation of his father's service and for compassionate appointment in lieu of his death. Pursuant to the order passed by the learned Tribunal, dated 08.06.2016, the impugned order dated 26.03.2017 was passed by appellant No.1 rejecting the claim, *inter alia,* on the ground that his father was not eligible for regularisation as per the Telangana Last Grade Services Rules 1992, as he had not completed ten years of service on the cut-off date 25.11.1993. Since his father was not eligible for regularisation as per G.O.Ms.No.112 dated

23.07.1997, writ petitioner's claim for compassionate appointment could not be considered.

4. The learned writ Court, after hearing the learned counsel for the parties and on the basis of the pleadings on record, held as under:

> '5. Having considered the respective submissions and perusing the record, it is pertinent to note that even as per the counter affidavit of respondent No.3, the father of the petitioner was appointed in the year 1987 as Sweeper on part-time basis. Further, it is not in dispute that the petitioner's father was still in service by the date of consideration of his case for regularization under G.O.(P) No.112, though he is stated to be not eligible by the respondents. Be that as it may, petitioner's father continued in service until his demise in the year 2015. It is the specific case of the petitioner that his father rendered full-time services though he was a part-time Sweeper. Petitioner relied on the judgment of the Hon'ble Division Bench of this Court in W.P.No.5916 of 2011, which is a similar case where the respondents therein rendered full-time services though they were said to be "part-time", and they approached this Court aggrieved by non-payment of wages under the Minimum Wages Act, 1948. This Court directed payment of minimum wages, based on the earlier judgment of this Court in WP No.1045 of 2007 which was upheld by the Hon'ble Supreme Court in SLP (C.C) No. 10630 of 2011.
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> 6. Admittedly, the father of the petitioner joined respondents' office in 1987 as part time Sweeper and

worked till the date of his demise in 2015. The reasoning and the view taken by the Hon'ble Division Bench of this Court in W.P.No.5916 of 2011, insofar as the claim of the petitioner herein about his father working full-time, is applicable to the case at hand. Petitioner represented to the respondent-Zilla Parishad office to appoint him on compassionate grounds on account of his father's demise after rendering 28 years of service.

7. Having considered the respective submissions, and perusing the record, this Court is of the view that the case of the petitioner deserves sympathetic consideration for compassionate appointment and therefore deems it fit to exercise discretion under extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

8. Accordingly, the impugned order dated 26.03.2017 is set aside, and the writ petition is allowed. Respondent No.3 shall pass appropriate orders for appointment of the petitioner on compassionate grounds, within a period of eight weeks from the date of receipt of a copy of this order. No costs.'

5. Learned counsel for the appellants submits that the case of the writ petitioner is covered by the decision of this Court passed in W.A.No.998 of 2025 dated 15.09.2025 on same and similar grounds. The only difference in the present case is that the order of rejection dated 26.03.2017 passed by appellant No.1 herein was also under challenge, whereas no such challenge was made in W.P.No.5240 of 2018. Otherwise, this Court had come to a clear finding

that the husband of the petitioner- widow, who was also a part-time worker, did not complete ten years of continuous service as per G.O.Ms.Nos.112 and 118 dated 23.07.1997 and 18.08.1999, respectively, and therefore, could not have been regularised in service post his death at the behest of the widow. Similar is the case of the present writ petitioner. The learned writ Court has therefore committed an error by setting aside the impugned order, though the case of the writ petitioner's father was not fit for regularisation, as having not completed ten years of continuous service as per G.O.Ms.No.112 dated 23.07.1997 by the cut-off date 25.11.1993.

6. Learned counsel for the writ petitioner has supported the impugned judgment. He submits that though the description of the appointment letter of father of writ petitioner was of part-time employee, he, in fact, worked as full-time employee during his service under appellant No.1-Zilla Parishad. Learned counsel has referred to extracts of attendance registers in the vacate petition in I.A.No.3 of 2025 at pages 24 to 29, which relate to 2001, 2006 and 2013 to support his above submission. Apart from that, the

writ petitioner relies upon the decision rendered by a Division bench of the erstwhile Andhra Pradesh High Court in W.P.No.5916 of 2011 dated 06.12.2012 to support his case.

7. We have considered the submissions of the learned counsel for the parties.

8. The narration of facts recorded above shows that the petitioner's father was engaged as a part-time employee under the appellant No.1-Zilla Parishad, worked as such, and died in the year 2015 without staking any claim for regularisation of his service. After his death, such a claim has been raised by his son, the writ petitioner, which has been duly considered upon the directions of the learned Tribunal in O.A.No.73 of 2016 by appellant No.1-Zilla Parishad and rejected on the ground that the petitioner's father did not fulfil the eligibility criteria under G.O.Ms.No.112 dated 23.07.1997, as he had not completed ten years of service on the cut-off date 25.11.1993 from the date of his engagement. The case of the writ petitioner in W.A.No.998 of 2025 therefore squarely applies to the case

of the present writ petitioner. In the said case, this Court has also dealt with the plea raised by the writ petitioner therein by relying upon the decision of the Division Bench of the Andhra Pradesh High Court in W.P.No.5916 of 2011, *vide* order dated 06.12.2012. The relevant discussion of the order dated 15.09.2025 in W.A.No.998 of 2025 is extracted hereunder in order to avoid repetition:

> '8.....From a perusal of the order passed in Writ Petition No.5916 of 2011 by the learned Division Bench of erstwhile High Court of Andhra Pradesh, it appears that the grievance of the petitioner therein was in relation to the non-payment of minimum wages as per the Minimum Wages Act, 1948, as they were treated as part-time Sweepers though working on full time basis. It was in those circumstances, the learned Division Bench referred to the order passed in Writ Petition No.1045 of 2007 and dismissal of aforesaid SLP preferred by the Medical & Health Department against that.
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> 9. Learned counsel for respondent No.1/writ petitioner submits that the learned writ Court was persuaded by the reasoning and the view taken by the learned Division Bench in Writ Petition No.5916 of 2011 while granting the relief as the case of husband of respondent No.1 herein was similar to that of respondent Nos.1 to 4 therein. Therefore, upon the regularization of the services of her husband, respondent No.1 is entitled to compassionate appointment as he had died in harness.
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> 10. We have considered the submissions of the learned counsel for the parties and taken note of the relevant pleadings referred to hereinabove. In the absence of challenge

to the order dated 22.10.2016 whereby the appellant rejected the claim of respondent No.1 for regularization of services of her husband, the learned writ Court ought not to have set aside the said order. Moreover, upon perusal of the order dated 22.10.2016, it appears that it has been passed in compliance with the order dated 02.08.2016 passed in O.A.No.2996 of 2016 by the learned Tribunal. The case of the husband of respondent No.1 did not fall under the norms prescribed by the Government in G.O.Ms.Nos.112 and 118 dated 23.07.1997 and 18.08.1999 respectively, since he was engaged initially as a part-time worker on 02.06.1986 and he had not completed ten (10) years continuous service prior to 25.11.1993. He had expired on 02.01.2016. The appellant therefore refused to allow the claim of respondent No.1 for regularization of services of her husband. The order of rejection, though not under challenge, contains valid reasons for rejection of the claim of regularization of the services of husband of respondent No. 1. Regularization of the services of husband of respondent No.1 could not be made as his case was not falling within the scope of the above Government Orders. The claim of respondent No.1 for compassionate appointment could not be considered as her husband, the part-time worker, could not be treated as died in harness as a regular employee. The learned writ Court thereby committed error. Therefore, we are inclined to interfere with in the order passed by the learned writ Court.'

9. In view of the aforesaid facts and circumstances of the case and the reasons recorded, we are unable to uphold the impugned order passed by the learned writ Court, whereby respondent No.3/appellant No.1-Zilla

Parishad has been directed to pass orders for appointment of the writ petitioner on compassionate grounds after setting aside the order dated 26.03.2017 passed by appellant No.1-Zilla Parishad rejecting the claim for regularisation of the service of petitioner's father on the ground that he did not fulfil the eligibility criteria under G.O.Ms.No.112 dated 23.07.1997.

10. Accordingly, the instant Writ Appeal is allowed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, School Education Dept. Telangana Secretariat, Secretariat Buildings, T.S.,Hyderabad
2. The Principal Secretary, PR and RD Dept. Telangana, Secretariat Buildings Hyderabad
3. One CC to SRI. PRADEEP REDDY KATTA (SC FOR TG ZILLA PARISHAD) [OPUC]
4. One CC to SRI. GURRAM SRINIVAS, Advocate [OPUC]
5. Two CCs to GP FOR SERVICES II, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

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HIGH COURT

DATED:06/10/2025

JUDGMENT

WA.No.752 of 2025



ALLOWING THE WRIT APPEAL WITHOUT COSTS

27/10/25