

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

**THURSDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 25080 OF 2023

Between:

K. Rama Rao, S/o Markandeya, Aged about 51 years, Attender (discharging the duties of Junior Asst.) O/o Assistant Commissioner of Endowments, Integrated District Offices Complex, Khammam - 507 318

...PETITIONER

AND

1. State of Telengana, represented by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. State of Telengana, represented by its Principal Secretary, Finance Department, Secretariat Buildings, Hyderabad.
3. Commissioner of Endowments, Telangana, Tilak Road, Boggulakunta, Hyderabad.
4. District Collector, Khammam District, Khammam.
5. Deputy Commissioner of Endowments Warangal, Warangal District.
6. Assistant Commissioner of Endowments, Integrated District Offices Complex, Khammam -- 507 318
7. District Treasury Officer, Khammam, Khammam District.
8. Assistant Treasury Office, O/o District Treasury, Khammam
9. Zilla Saksharatha Samithi Khammam, rep.by its Chairman

...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

issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the Proceedings in Rc.No. A/182/2017. dated 27-6-2019 by the Asst. Commissioner, Endowments Department, Khammam revoking regularisation orders of the Petitioner issued through Proceedings No. A/782/2017, dated 31-7-2017 and terminating regularisation of his service and the action of the Respondents in not considering the reply, dated submitted by the Asst. Commissioner, Endowments Department, Khammam to the queries raised by the Assistant Treasury Officer, District Treasury Office, Khammam in the Treasury Check Slip (Bill ID No.35553), dated 21.12.2017 is wholly illegal, arbitrary and violative of Articles 14, 16 and 21 of Constitution of India, total non application of mind and contrary to G.O.Ms.No.16, Finance (HRM-I) Department, dated 26-2-2016 apart from being violative of principles of natural Justice and consequently declare that the Petitioner is entitled for regularization of his services with all consequential benefits

I.A. NO: 1 OF 2023

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 take action on the reply dated 20-2-2019 submitted by the Asst. Commissioner, Endowments Department, Khammam to the queries raised by the Assistant Treasury Officer, District treasury Office, Khammam in the Treasury Check Slip (Bill ID No.35553), dated 21.12.2017 by suspending the proceedings in Rc.No. A/182/2017, dated 27-6-2019 of the Asst. Commissioner, Endowments Department, Khammam

Counsel for the Petitioner : SRI KIRTHI TEJA KONDAVEETI

Counsel for the Respondent Nos. 1, 3 to 6 & 9: GP FOR SERVICES - I

Counsel for the Respondent Nos. 2, 7 & 8 : AGP FOR FINANCE AND PLANNING

The Court made the following: ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.25080 OF 2023

ORDER:

Heard Sri Kirthi Teja Kondaveeti, learned counsel appearing on behalf of the petitioner, learned Government Pleader for Services-I and learned Assistant Government Pleader for Finance and Planning, appearing on behalf of the respondents.

2. The petitioner approached the Court seeking prayer as under:

"...to issue a Writ Order or Direction more particularly one in the nature of Writ of *Mandamus* declaring the Proceedings in Rc. No.A/182/2017 dated 27-6-2019 by the Asst Commissioner Endowments Department Khammam revoking regularization orders of the petitioner issued through Proceedings No.A/782/2017 dated 31-7-2017 and terminating regularization of his service and the action of the Respondents in not considering the reply dated submitted by the Asst. Commissioner, Endowments Department, Khammam to the quarries raised by the Assistant Treasury Officer, District Treasury Office Khammam in the Treasury Check Slip (Bill ID No.35553) dated 21.12.2017 is wholly illegal, arbitrary and violative of Articles 14, 16 and 21 of Constitution of India, total non-application of mind and contrary to G.O. Ms. No. 16 Finance (HRM-I) Department dated 26-2-2016 apart from being

violative of principles of natural justice and consequently declare that the petitioner is entitled for regularization of his services with all consequential benefits and pass...".

3. The case of the petitioner in brief as per the averments made in the affidavit filed by the petitioner in support of the present writ petition is as under:

The petitioner was appointed as Attender on 31.12.1991 on consolidated pay in the office of Deputy Director, Adult Education, Khammam. Thereafter the petitioner was allotted to work in the office of the Asst. Commissioner, Endowments Department, Khammam through outsourcing agency vide Proceedings No. KZMS/KMM/1392/2008, dated 08.08.2009 issued by the President, Kinnera Zilla Mahila Samakhya, Khammam. The Asst. Commissioner of Endowments, Endowments Department, Khammam issued Proceedings in Rc.No.A/2220/2007, dated 22.08.2009 posting the petitioner as Junior Assistant (Outsourcing). The petitioner made a representation dated 10.01.2017 to the District Collector, Khammam for regularization of his services as per G.O.Ms.No.16, Finance (HRM.I), Department. The Assistant Commissioner, endowments Department, Khammam revoked

the regularization orders of the petitioner in proceedings No. A/782/2017, dated 31.07.2017 terminating the services of the petitioner as Attender. The petitioner has been continuously working from 01.01.1992 onwards. The petitioner has put in more than 15 years service as on the date of Uma Devi Judgment dated 10.04.2006. Aggrieved by the proceedings in Rc.No. A/182/2017, dated 27.06.2019 revoking the regularization orders issued through proceedings No. A/782/2017, dated 31.07.2017, the petitioner approached the Court by filing the present writ petition.

4. PERUSED THE RECORD

(A) The order impugned vide Proceedings Rc. No. A/782/2017, dated 27.06.2019 issued by the Assistant Commissioner, Endowments Department, Khammam is extracted hereunder:

Office of the Assistant Commissioner,
Endowments Department, Khammam

Rc.No.A/782/2017,

Dated 27.06.2019

Sub: Endowments Department – Khammam District – Office of the Assistant Commissioner, endowments Department, Khammam District - Establishment – Class IV – Regularization of services of Sri Kl. Rama Rao, Appointment on contract/Consolidated salary as Office Subordinate in the existing vacancy orders – issued – Found to the contrary to G.O.Ms.No.16, dt. 26.02.2016 – Revocation – orders – issued – Reg.

- Ref:-
1. This Office Proc. No. A/782/2017, dated 31.07.2017.
 2. Objections Dt. 21.12.2017 raised by Assistant Treasury Officer, District Treasury Office, Khammam District.
 3. Adverse News published on 31.08.2019 in Andhra Jyothi Daily.
 4. Rc.No. A4/950/2019, dated 04.06.2019 of the Deputy Commissioner, endowments Department, Warangal Zone.

-oOo-

Whereas the services of Sri K. Rama Rao S/o. Markondaiah has been regularized in the cadre of Office Subordinate in accordance with the rule 10 (a) Telangana State Subordinate service Rules 1996 and posted in the existing vacancy in the establishment of Office of the Assistant Commissioner, Endowments Department, Khammam in the time scale of 13000-40270 in the reference 1st cited. Further, the Employee Id.No.3100211 and CPS No. 110171967631 were allotted to the individual while treating him as regular employee.

In the reference 2nd cited, the District Treasury Authorities, Khammam have raised objections in the above matter as the individual is not full time contingent employee, not getting monthly remuneration as per G.O.Ms.No. 16 (b)(2) Dt 26/02/2016 smf sd pm 02/06/2014 the individual on outsourcing basis as Junior Assistant. Ultimately, the action of the Assistant Commissioner, Endowments Department, Khammam which taken in the reference 1st cited has found contrary to the provisions and rules of G.O.Ms.No.16 Dt. 26.02.2016.

In view of the above facts, the Deputy Commissioner, Endowments Department, Warangal zone has instructed to take

necessary action immediately for revocation of appointment orders issued to Sri K. Rama Rao in the reference 1st cited.

Therefore, the orders issued in the reference 1st by this office are hereby revoked and the services of Sri K. Rama Rao are hereby terminated with immediate effect.

Sd/-
Assistant Commissioner
Endowments Department
KHAMMAM

To
Sri K. Rama Rao, S/o. Markondaiah
R/o. H.No.1-1, Thirumalayapalem (V&M)
Khammam District

(B) The proceedings of the Assistant Commissioner, Endowments Department, Khammam vide Proceedings No.A/782/2017, dated 31.07.2017 addressed to the petitioner herein is extracted hereunder:

Proceedings No.A/782/2017

Dated 31.07.2017

Sub:- Endowments Department – Khammam Dist – Office of the Asst. Commissioner, endowments Department, Khammam – Establishment – Class-IVth– Regularization of services of Sri K. Rama Rao, appointed on contract/Consolidated salary – as Office subordinate – in the existing vacancy - orders – Issued – Reg.

Ref:- 1) Proceedings in Rc.No.Estt/appointment/ Akshara Deepam/ Khammam Dt .31-12-1991 of the Dist. Collector/Chairman/ZSS, Khammam.

2) Representation of Sri K. Rama Rao, Dt. 10.01.2017 submitted to the district Collector, Khammam.

3) G.O.Ms.No.16 Finance (HRM-I) Department,
Dt.26.02.2016.

4) Note Approval of the District Collector, Khammam
Dt.11.04.2017 in R.c.No.2736/A/DDAE/KMM/2017,
Dt.01.04.2017 submitted by the Deputy Director, Adult
Education, Khammam.

5) Note Approval of the District Collector, Khammam
Dt. 13.07.2017 in Rc.No.2736/A/DDAE/KMM/2017, Dt.
13.06.2017 submitted by the Assistant Commissioner,
Endowments Department, Khammam.

&&&

ORDER

Sri K. Rama Rao, was appointed as Attender in Zilla Saaksharata Samithi, Khammam on contract basis on a consolidated salary vide proceeding of the District Collector, Khammam/Chairman, zilla Saaksharata Samithi, Khammam vide in the reference 1st cited in the O/o the Deputy Director, Adult Education and worked up to 2009. Subsequently, for want of regular vacancy he was posted as Junior Assistant in the office of the Assistant Commissioner, endowments Department, Khammam on outsourcing basis by the District Employment Officer, Khammam as per the note orders of the District Collector, Khammam and he is working as such w.e.f. 13.08.2009. In the reference 2nd cited, the incumbent has requested to the District Collector, Khammam to consider his case as per g.O.Ms.No.16 Finance (HRM-I) Department, Dt.26.02.2016 to regularize his services and for posting him as Office subordinate in the existing vacancy in the District pool, in the Office of the Assistant Commissioner, Endowments Department, Khammam.

Accordingly the District Collector, Khammam has considered his request and permitted to regularize his services and post him as office subordinate in the existing vacancy in the office of the Assistant

Per.

Commissioner, Endowments Department, Khammam vide in the reference 4th & 5th cited.

"In view of the above, and in accordance with the rule 10(a) of Telangana State Subordinate service Rules 1996 and after verification of the Original Educational Qualifications Certificates of the incumbent, the services of Sri K.RamaRao, S/o. Markondaiah, R/o. Thirumalayapalem (V&M) of Khammam District is hereby regularised in the cadre of Office Subordinate and posted in the existing vacancy in the office of the Assistant Commissioner, Endowments Department, Khammam in the time Scale of Pay 13000-390-14170-430-15460-470-16870-510-18400-550-20050-590-21820-640-23740 -700 - 25840 - 760 - 28120 - 820 - 30580-880-33220-950 - 36070 - 1030 - 39160 - 1110-40270 of Revised Pay Scale-2015. The individual is requested to report before the Assistant Commissioner, Endowments Department, Khammam as office subordinate.

The services of the incumbent are purely temporary and liable to be terminated at any time without prior notice and without assigning any reason.

Assistant Commissioner,
Endowments Department,
Khammam

To
Sri K. Rama Rao, S/o. Markondaiah,
R/o. H.No.1-1, Thirumalayapalem (V&M),
Khammam District.

(C) Counter affidavit has been filed by the respondent No.6 and the relevant para Nos.5, 20, 21, 23 and 25 are extracted hereunder:

5. In the year 2009, the Deputy Director, Adult Education, ZSS Khammam vide Letter No.495/ZSS/KMM/2008, Dt. 20.05.2009 addressed to the District Employment Officer, Khammam that, the District Collector vide note orders on 01-05-2009 had endorsed to contact the District Employment Office to place the surplus staff i.e. Sri K. Rama Rao (Petitioner herein) & another person in any other agency which requires man power and appointing them through outsourcing agency.

20. Accordingly, the enquiry was conducted by the J.V.O., Hyderabad and submitted report to the Commissioner of Endowments. In the enquiry findings dt. 21.06.2019 (copy enclosed) the Enquiry Officer found out that, the petitioner submitted representation according to G.O.Ms.No.16, but the Adult Education Department and also the then Assistant Commissioner, Endowments Department, Khammam both had not mentioned in their note file that the said G.O. is not applicable to the petitioner, because the petitioner did not work anywhere on full time contract basis.

21. As such, it can be construed that, the appointment of the petitioner as regular attender in Endowments Department is illegal and against the rules. Further it was also found out by the Enquiry Officer that, how can the another Assistant Commissioner has resubmitted the salary bill again while paying remuneration to the petitioner on outsourcing basis. By forwarding the enquiry report, the Commissioner, endowments Department, Hyderabad vide Memo in Rc.No. Vi/5395/2019, Dt. 23.17.2019 (copy enclosed) has directed the Deputy Commissioner, Endowments Department, Warangal to take

necessary action against Sri T. Rajendram, Assistant Commissioner and other officers involved in the matter.

23. In compliance of the above orders, the then Assistant Commissioner, Khammam revoked the earlier appointment orders of the petitioner and also terminated his services vide Rc.No. A/782/2017, Dt.27.06.2019 (copy enclosed). The same order was served upon the petitioner on 27.06.2019 and also dispatched to the Commissioner of Endowments Hyderabad and Deputy Commissioner, Warangal for information.

25. It is submitted that, as per the explanation submitted by the then two Assistant Commissioners and section clerk, the Deputy Commissioner, Warangal imposed punishment of Censure upon Sri T. Rajendram the then Assistant Commissioner for appointing the petitioner as Attender Regular and also issued warning to Sri E. Gouri Shankar the then Assistant Commissioner and to the Section clerk for re-submitting the Bill without verification".

(D) Note File vide Rc.No. 2736/A/ DDAE/ KMM/ 2017, dated 1.04.2017 of the District Collector, Khammam is extracted hereunder:

Sub:- Adult Education Department - Khammam - Representation of Sri K. Rama Rao (Ex) surplus employee now working in Endowment department Khammam as outsourcing employee - Request for posting as office subordinate in the vacant post in endowment department - Regarding.

Ref:- 1) Proceeding of the Chairman, Akshara Deepam, ZSS, Khammam Rc.No. Estt/KMM/92, Dt:31-12-1991.

2) Note approval orders of the then District Collector, Khammam Dt 3.04.2004.

3) Proceeding of Kinnera Mahila Samakya, Khammam No: KZMS/KMM/1392/2008, Dt: 08.08.2009 addressed to Asst. Commissioner, Endowment Department, Khammam.

- 4) G.O.Ms.No.16/Fin-HRM-1, Department, Dt :
26.02.2016
- 5) Representation of Sri K. Rama Rao, Dt :
10.01.2017.

Submitted :

Kindly peruse the representation of the individual (working as Outsourcing employee in endowment Department, Khammam) Dt: 10.01.2017 together with the endorsement of the District Collector Dt: 11-01-2017.

In this connection it is submitted that this individual was appointed as attender, in Zilla Saakshar Samithi, Khammam (in the O/o Deputy Director, Adult Education) vide proceeding of the then District Collector, Khammam/Chairman, Zilla Saaksharata Samithi, Khammam. 1st cited at a monthly consolidated pay of Rs.400.00 per month during the year 1991. He worked up to 2003 in the same department i.e., office of the Deputy Director, Adult Education, Khammam.

Subsequently, due to shortage of grant in the Department he became surplus and a note was processed on 03-04-2004 proposing for accommodating in the Labour Department i.e., O/o of the Assistant Commissioner Labour, as office Subordinate in the existing vacancy there and the then District Collector was pleased and approved the proposal on 04.04.2004 but it was not materialized, due to re-employment of a person there in view of the instructions of the commissioner for Labour issued on 16.07.2004.

It is submitted that at a later date at the request of the then Deputy Director, Adult Education, Khammam his case was referred to the District Employment Officer, khammam for providing job who in turn recommended his case to Kinnera Mahila Samakya, Khammam vide reference 3rd for providing job (outsourcing) in the vacancy existing there. Accordingly he was posted as employee (Outsourcing) by the Assistant Commissioner Endowment, Khammam was effect from 13.08.2009 and since then he is working as an outsourcing employee i.e., from 2009.

This individual is working as an Outsourcing employee since last (05) years. Now the individual has requested to consider his case as Office Subordinate in the Vacant Post, existing there i.e., in the O/o Assistant Commissioner Endowments, Khammam.

In this connection it is submitted that the Govt. have issued instructions in G.O.Ms.16 (Fin HRM) Department Dt : 26.02.2016 and

according to which his case can be considered if there is a sanctioned post.

Hence if agreed to, the Assistant Commissioner Endowments be requested to consider his case to the regular office Subordinate post (vacant post) keeping in view of his lengthy service and rules there for.

Sir,

It is submitted that the individual concerned has brought the previous (connected) file from the Labour Office and handed over in this office on Dt: 30.03.2017 and as such the delay caused in processing the file may pleased be condoned.

For Orders.

District Collector
Khammam.

DDAE (FAC)
KMM.

Submitted Sir,

Kindly peruse the approval of the Dist. Collector, Khammam, at N.F. Page No. (2).

In this connection, it is submitted that (3) Three Office Subordinate Posts are vacant in this office (O/o the Assistant Commissioner, Endowments Department, Khammam and this individual, Sri K. Rama Rao, can be posted in the vacancy as Office Subordinate (Scale Post) in view of his services.

Submitted for kind approval.

Asst. Commissioner
Endowments, Khammam

Dist. Collector
Khammam.

5. The learned counsel appearing on behalf of the petitioner mainly puts forth the following submissions:

(i) That the petitioner was appointed on 31.12.1991 on consolidated pay in the office of Deputy Director, Adult Education, Khammam. Thereafter the petitioner discontinued in Adult Education Department in August, 2009.

(ii) The petitioner was allotted to work in the office of Asst. Commissioner, Endowments Department, Khammam through Kinnera Zilla Mahila Samakhya, Khammam, an outsourcing agency vide Proceedings No. KZMS/KMM/1392/2008 dated 08.08.2009.

(iii) In pursuance to the said proceedings dated 08.08.2009 the petitioner joined as Attender in the office of Assistant Commissioner of Endowments, Khammam on 13.08.2009 and also proceedings dated 22.08.2009 of the Asst. Commissioner of Endowments, Endowments Department, Khammam. The petitioner was posted as Junior Assistant (Outsourcing) in L. Section and since then the petitioner had been continuously working in the said office.

(iv) The District Collector, Khammam accorded permission to regularize the services of the petitioner as Office

Subordinate in the existing vacancy and posted in the office of Asst. Commissioner of Endowments Department, Khammam in the time scale of pay of Rs.13000-40270 of Revised Pay Scales, 2015 and the petitioner joined duty in the office of Assistant Commissioner, Endowments Department, Khammam as Office Subordinate. The petitioner had been working since 31.07.2017 as Office Subordinate, Assistant Commissioner, Endowments Department, Khammam.

(v) To the shock of the petitioner, the order impugned dated 27.06.2019 had been issued to the petitioner informing the petitioner that the order issued in favour of the petitioner vide Proceedings No. A/782/2017, dated 31.07.2017 had been revoked and the services of the petitioner had been terminated with immediate effect.

(vi) No charge sheet or notice was issued to the petitioner prior to issuing the impugned order dated 27.06.2019 by the Assistant Commissioner, Endowments Department, Khammam.

(vii) In view of the fact at borne on record that the order impugned, is in clear violation of the principles of natural justice and in view of the fact that there had been clear

recommendation in favour of the petitioner vide Rc.No.2736/A/DDAE/KMM/2017, dated 01.04.2017 of the District Collector, Khammam, petitioner is entitled for grant of relief as prayed for.

(Viii) The order impugned had been passed unilaterally behind the back of the petitioner, without putting the petitioner on prior notice, without providing an opportunity of personal hearing to the petitioner to put forth the petitioner case.

Based on the aforesaid submissions the learned Counsel appearing on behalf of the petitioner contends that order impugned needs to be set aside.

6. The learned Government Pleader for Services-I, appearing on behalf of respondent No.6 placing reliance on the averments made in para Nos.5, 20, 21, 23 and 25 of the counter affidavit contends that the appointment of the petitioner is illegal and against rules. Action had been initiated against the officers concerned, who had been held responsible for issuing the proceedings No.A/782/2017, dated 31.07.2017 regularizing the services of the petitioner in the cadre of Office Subordinate and posting the petitioner in the existing vacancy in the office of the Assistant Commissioner, Endowments Department, Khammam

District, and there is no illegality in the order vide Rc.No. A/782/2017, dated 27.06.2019 passed by the Assistant Commissioner, Endowments Department, Khammam and therefore, the petitioner is not entitled for any relief as prayed for and the writ petition needs to be dismissed.

DISCUSSION AND CONCLUSION:

7. A bare perusal of the para Nos.7 and 9 of the counter affidavit filed on behalf of the respondent No.6 reads as under:

"7. As such, the Deputy Director, Adult Education has submitted note to the Chairman/District Collector, Khammam for adjustment of them in any other sister departments as the District Collector is the Chairman for various Developmental Departments. Then, the petitioner was referred to the Employment Office Khammam on Dt. 20.05.2009 and after a gap of three months, the petitioner was sponsored through Kinnera Zilla Mahila Samakya on 08.08.2009 to work in the Endowments Department as Junior Assistant on outsourcing basis (Copy Enclosed)

9. It is submitted that, the individual is an Outsourcing employee not a Contract employee. A contract employee is whose services are certain period of time and extended every year. But Outsourcing employee is allotted through third party Agencies and their salaries has also been paid through Outsourcing Agency only. The petitioner is not contract employee and he is an Outsourcing employee. The Outsourcing services cannot be regularized".

8. The plea of the learned Government Pleader placing reliance at para Nos.7 and 9 of the counter affidavit filed on behalf of the respondent No.6 that the petitioner is not a contract employee, and further that the services of outsourcing employee cannot be regularized is not tenable. It is clearly admitted at para No.7 of the counter affidavit filed by Respondent No.6 that petitioner was sponsored through Kinnera Zilla Mahila Samakhya on 08.08.2009 to work in the Endowments Department as Junior Assistant on outsourcing basis. It is also admitted at para 11 of the counter affidavit filed by the 6th respondent that the outsourcing service of the petitioner started in the Endowments Department w.e.f.,13.08.2009. Hence this Court opines that petitioner cannot be denied of petitioner's substantive rights which had accrued over a considerable period through continuous service.

9. A bare perusal of the Note File vide Rc.No.2736/A/DDAE / KMM/2017, dated 01.04.2017 which is duly signed and attested by District Collector, Khammam and also Assistant Commissioner, Endowments Department, Khammam clearly indicates a clear recommendation in favour of the petitioner to consider the case of the petitioner to regularize the services of

the petitioner as Office Subordinate (vacant post) keeping in view of the lengthy service rendered by the petitioner herein. A bare perusal of the Note File vide Rc.No.2736/A/DDAE / KMM/2017, dated 01.04.2017 further indicates a clear recommendation made on behalf of the District Collector, Khammam, Assistant Commissioner, Endowments Department, Khammam indicating that the petitioner may be posted in the existing vacancy of Office Subordinate (Scale Post) in view of his services.

10. This Court opines that the pleas put forth by the learned Government Pleader that the petitioner is an outsourcing employee and hence cannot have any claim for regularization as averred at para No.11 and para No.6 of the counter affidavit is contrary to the view of the Apex Court which clearly in its judgments had held that outsourcing employees are also entitled for consideration of their cases for regularization of services.

11. The judgment of the Apex Court dated 20.12.2024 reported in 2024 SCC OnLine SC 3826 in Jaggo Anita and others v. Union of India and others, and the relevant paragraph Nos.13, 20, 21 and 26 are extracted hereunder:

13. 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.

The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another further underscores that the work in question was neither temporary nor occasional.

20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgment of this Court in Vinod Kumar v. Union of India⁵, it was held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular

employee. The relevant paras of this judgment have been reproduced below:

"6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgment in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case..."

21. The High Court placed undue emphasis on the initial label of the appellants' engagements and the outsourcing decision taken after their dismissal. Courts must look beyond the surface labels and consider the realities of employment : continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.

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.**

12. This Court opines that the order impugned vide Rc.No. A/182/2017, dated 27.06.2019 passed by the Asst. Commissioner, Endowments Department, Khammam is without application of mind, in clear violation of principles of natural justice, since admittedly as borne on record petitioner was not provided with a reasonable opportunity

prior to issuance of the order impugned dated 27.06.2019 by the Assistant Commissioner Endowments Department, Khammam. The order impugned dated 27.06.2019 is totally contrary to their own record and Note File vide Rc.No.2736/A/DDAE/KMM/2017, dt: 01.04.2017, which clearly recommended petitioners case for appointment to regular Office subordinate post, keeping in view of the lengthy service rendered by the petitioner as an outsourcing employee in endowment Department Khammam, since 1991 onwards.

13. Taking into consideration:-

(a) The aforesaid facts and circumstances of the case.

(b) The submissions made by the learned counsel appearing on behalf of the petitioner and learned Government Pleader for Services-I and learned Assistant Government Pleader for Finance and Planning, appearing on behalf of the respondents.

(c) The order impugned vide Proc. Rc.No.A/782/2017 dated 27.06.2019 issued by the

**Assistant Commissioner, Endowments Department,
Khammam (referred to and extracted above).**

**(d) Note File *vide* Rc.No.2736/A/DDAE/KMM/2017,
dated 01.04.2017 of the District Collector, Khammam
(referred to and extracted above).**

**(e) The proceedings of the Assistant Commissioner
Endowments Department, Khammam *vide*
Proc.No.A/782/2017, dated 31.07.2017 addressed to the
petitioner (referred to and extracted above).**

**(f) In the light of discussion and conclusion as
arrived at as above from para Nos.7 to 12 of the present
order.**

**The Writ Petition is allowed. The order impugned
vide Rc.No. A/182/2017, dated 27.06.2019 passed by the
Asst. Commissioner, Endowments Department, Khammam
is set aside. The respondent No.6 is directed to forthwith
re-consider the request of the petitioner for regularization
of services of the petitioner with all consequential
benefits duly taking into consideration the observations in
the Judgment referred to and extracted above and the
clear proceedings issued in favour of the petitioner dated**

01.04.2017 of the District Collector, Khammam referred to and extracted above and Note Approval of the District Collector, Khammam dated 13.07.2017 in Rc.No.2736/A/DDAE/KMM/2017, referred to in the proceedings NOA/782/2017, dated 31.07.2017 of the Assistant Commissioner, Endowments Department, Khammam District, and pass appropriate orders in accordance to law, in conformity with principles of natural justice by providing an opportunity of personal hearing to the petitioner duly taking into consideration the relevant documents in support of the claim of the petitioner seeking regularization of services within a period of four (4) weeks from the date of receipt of a copy of the order and duly communicate the decision to the petitioner. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

///TRUE COPY///

SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat Buildings, State of Telengana, Hyderabad.
2. The Principal Secretary, Finance Department, Secretariat Buildings, State of Telengana, Hyderabad.
3. Commissioner of Endowments, Telangana, Tilak Road, Boggulakunta, Hyderabad.
4. District Collector, Khammam District, Khammam.

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5. Deputy Commissioner of Endowments Warangal, Warangal District.
6. Assistant Commissioner of Endowments, Integrated District Offices Complex, Khammam - 507 318
7. District Treasury Officer, Khammam, Khammam District.
8. Assistant Treasury Officer, O/o District Treasury, Khammam
9. The Chairman, Zilla Saksharatha Samithi Khammam,
10. One CC to SRI KIRTHI TEJA KONDAVEETI, Advocate [OPUC]
11. Two CCs to GP FOR SERVICES – I, High Court for the State of Telangana, at Hyderabad [OUT]
12. Two CCs to GP FOR FINANCE AND PLANNING, High Court for the State of Telangana, at Hyderabad [OUT]
13. Two CD Copies

 PVL

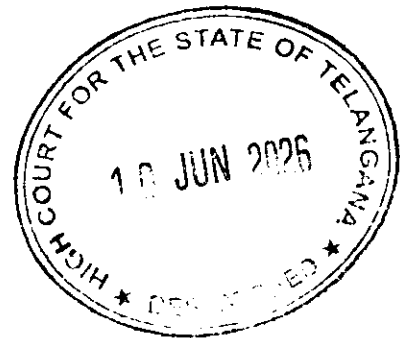
HIGH COURT

CC-TODAY

DATED: 08/01/2026

ORDER

WP.No.25080 of 2023



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(17) MT
9/6/26