

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4443 OF 2008
[Arising out of SLP (C) No.15019 of 2007]

S. Nageswara Rao & Ors.

... Appellant (s)

Vs.

Government of Andhra Pradesh & Ors.

... Respondent (s)

WITH

CIVIL APPEAL NO. 4444 OF 2008
[Arising out of SLP (C) No.15092 of 2007]

ORDER

Leave granted.

2. These appeals by special leave challenge the order dated 2.9.2005 dismissing WP No.12363 of 2005 and the order dated 13.4.2006 dismissing Review Petition No.33006 of 2005, passed by the Andhra Pradesh High Court.

3. The appellants allege that they were working on NMR basis at Taliperu Dam site, Khamman District from 1986, continuously for about fifteen years (with some artificial breaks). They approached the Andhra Pradesh State Administrative Tribunal for regularization. The Tribunal rejected their claim. The writ petition filed by the appellants challenging the order of the Tribunal was also rejected. The review petition was also rejected.

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4. The appellants submit that in regard to the similarly placed daily wage employees in the very same project, the Andhra Pradesh High Court had directed regularization, by order dated 13.4.2005 in WP No.10282 of 1998 - *Jagannadham vs. Engineer-in Chief, Irrigation Wing & Ors*, by negating the contention of the department that the said daily wage employees were not directly employed by the department, but were employed through a contractor. The State Government had challenged the said order before this Court in SLP (C) No.23679 of 2005 (*Engineer-in-Chief, IWE vs. G. Jagannadham & Ors.*). This Court upheld the direction regarding regularization, without any monetary benefits, by order dated 27.2.2007.

5. The facts in this case and the facts in *Jagannadham* (supra) as also the contentions urged are virtually the same. In view of the above, we are of the view that interest of justice will be served if this appeal is disposed of in terms of the decision in *Jagannadham* (supra) by directing regularization of the services of appellants without any monetary benefits.

6. We accordingly allow these appeals and direct the respondents to consider the cases of the appellants for regularization without past monetary benefits and pass

.....3.

appropriate orders within three months from today. The three months period shall be reckoned in respect of each of the appellants, from the date on which he reports to the fifth respondent for regularization. Parties bear respective costs.

.....J.
(R. V. Raveendran)

.....J.
(Lokeshwar Singh Panta)

New Delhi;
July 11, 2008.