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ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 15th August, 1998 and the said assent is hereby first published on the 19th August, 1998 in the Andhra Pradesh Gazette for general information:-

ACT No. 27 OF 1998.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (REGULATION OF APPOINTMENTS TO PUBLIC SERVICES AND RATIONALISATION OF STAFF PATTERN AND PAY STRUCTURE) ACT, 1994.

Whereas, according to the provisions of the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 and in accordance with the scheme formulated in the orders

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issued by the Government in G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department dated the 22nd April, 1994, the services of a person who worked on daily wage/NMR/consolidated pay/Contingent worker on full time basis and also continuing as such as on the 25th November, 1993, the date on which the aforesaid Act has come into force shall be regularised;

And Whereass, in various judgments rendered by the different courts, the orders issued by the Government in G.O.Ms.No. 212, Finance & Planning (FW.PC.III) Department, dated the 22nd day of April, 1994 have been interpreted, that the completion of five years of service as on 25th November, 1993 shall mean that as and when any employee completes five years of service; and that the first proviso under Section 7 of the said Act have also been interpreted to mean as two separate and independent conditionalities;

And Whereas, the said interpretation is contrary to the intendment and the policy of the Government;

And Whereas, the Government felt it necessary to remove the ambiguity found in the said proviso to section 7 of the said Act;

— And Whereas, it is considered necessary to extend the benefit of public service to a person in pursuance of an assurance made on the floor of the Legislative Assembly of the State;

And Whereas, it is also considered necessary that brother or sister of an unmarried person who is killed in extremist

violence or in police firing who is not an accused of an offence also need to be provided suitable employment in the Government service;

And Whereas, it is also considered necessary to exclude from the purview of the "public service" such of the institutions which are not receiving funds or grants towards salaries of its employees from the State Government.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth Year of the Republic of India as follows:

1. (1) This Act may be called the Short title Andhra Pradesh (Regulation of Appointments and commenment. to Public Services and Rationalisation of Staff Pattern and Pay Structure) (Second Amendment) Act, 1998.

(2) Sub-section(1) of section 3 shall be deemed to have come into force on the 28th October, 1996 and the remaining provisions shall come into force at once.

2. In the Andhra Pradesh (Regulation Amendment of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 (hereinafter referred to as the principal Act), in section 2, in clause(vi) to sub-clause(e), the following proviso shall be added, namely:-

"Provided that the services in any such body or society as specified in sub-clause(e), which is not receiving any funds or grants towards salaries of its employees from the State Government shall not be deemed to be 'public service' for the purposes of this Act".

Amendment of section 4. 3. In section 4 of the principal Act, in sub-section(2),-

(1) in clause(b), for the words "in favour of a son or a daughter or spouse of any person", the words "in favour of a son or a daughter or spouse of any married person or a brother or a sister of any unmarried person", shall be substituted;

(2) after clause(c), the following new clause shall be added, namely:-

"(d) to any suitable appointments to be made in compliance with assurance bearing number 2488/X/96, Assembly Secretariat dated 10th September, 1996 made on the floor of the Legislative Assembly of the State."

Amendment of section 7. 4. In section 7 of the principal Act for the first proviso, the following proviso shall be substituted, namely:-

"Provided that the services of those persons continuing as on the 25th November, 1993 having completed a continuous minimum period of five years of service on or before 25th November, 1993 either on daily wage, or nominal muster roll, or consolidated pay or as a contingent worker on full time basis, shall be regularised in substantive vacancies, if they were otherwise qualified fulfilling the other conditions stipulated in the scheme formulated in G.O.Ms.No. 212, Finance and Planning (FW.PC.III) Department dated the 22nd April, 1994".

Insertion of new section 7A. 5. After section 7 of the principal Act, the following new section shall be inserted, namely:-

"Abatement of Claims." 7A(1) Notwithstanding any Government order, judgement, decree or order of any Court, Tribunal or other authority, no person shall claim for regularisation of service under the first proviso to section 7 as it was incorporated by the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation Act 3 of Staff Pattern and Pay Structure) 1998. (Amendment) Act, 1998.

(2) No suit or other proceedings shall be maintained or continued in any Court, Tribunal or other authority against the Government or any person or other authority whatsoever for regularisation of services and all such pending proceedings shall abate forthwith;

(3) No Court shall enforce any decree or order directing the Government or any person or other authority whatsoever for regularisation of services."

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice.

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