

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.25010 OF 2010

ORDER:

Inaction on the part of the respondents in absorbing the petitioner on permanent basis is under challenge in the present writ petition.

2. According to the petitioner, she has been working as a Sweeper in India Bank, Currency Chest, Chittoor, since 18.01.1990 without any blemish and has been discharging duties to the utmost satisfaction of the respondent Bank Officials and she made a number of representations and one of them being on 16.08.1994. 4th respondent – Chief Manager forwarded the said representation dated 16.08.1994 along with particulars to the Zonal Manager – 3rd respondent while requesting for regularisation of the services of the petitioner. The 3rd respondent – Zonal Officer vide letter dated 03.03.1997 asked the 4th respondent to furnish the particulars of the wages paid to the petitioner for furnishing the same to the Central Office. In response to the same, 4th respondent furnished the particulars on 20.03.1997.

3. In the above back ground, the present Writ Petition came to be filed. Counter affidavit, deposed by the 4th respondent, is filed on behalf of the respondents, denying the allegations and averments made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

4. Heard Sri W.B.Srinivas, learned counsel for the petitioner and Sri A.Satyanarayana, learned counsel, appearing for the respondent Bank, apart from perusing the material available before the Court.

5. According to the learned counsel for the petitioner, the impugned action on the part of the respondent Bank at

6. On the contrary, it is vehemently contended by the respondent Bank authorities that there is absolutely no ille

7. The denial of addressing and authenticity of the letter dated 16.08.1994 by the 4th respondent to the Zonal Ofi

8. In fact, the material available on record shows that the

4th respondent furnished the particulars by way of letter dated 20.03.1997. Further contention of the respondents tha

4th respondent which would candidly disclose the continuous, uninterrupted and perennial nature of work discharge

9. The said reason assigned, in the definite opinion of this Court, is liable to be rejected and the said action is hi
“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. NARAYANAPPA (supra), R.N. NANJUNDAPPA (supra), and B.N. NAGARAJAN (supra), and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

10. In the instant case also, according to the petitioner herein, she has been working since 1990 as Sweeper in th

11. Accordingly, Writ Petition is allowed, directing the respondents herein, to regularize the services of the petiti

12. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.
No order as to costs.

26.04.2016
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A.V.SESHA SAI, J

[\[1\]](#) 2006 (4) SCC 1