

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

WRIT PETITION No.10437 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of the Writ of Mandamus declaring the action of the respondents 1 and 2 in not regularizing the services of the petitioner in terms of G.O.Ms.No.112, Finance & Planning Department dated 23.07.1997 r/w.G.O.Ms.No.212, Finance & Planning Department dated 22.04.1994 is arbitrary, illegal, highhanded, violative of Article 21 of the Constitution of India and consequently direct the respondents 1 and 2 to consider for regularization of the petitioner with all consequential benefits including back wages from the date of his age of attaining eligibility and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Y.V.Anil Kumar, learned counsel, appearing for the petitioner and learned Government Pleader for Higher Education, appearing for the respondents.

3. According to the petitioner, he was appointed as a part-time boy in the 3rd respondent College vide appointment order bearing Rc.No.186/PS-L/84-85, dated 29.08.1984. Earlier the petitioner herein filed W.P.No.18329 of 1999 before this Court and the said petition was disposed of by this Court by way of an order dated 08.02.2010. The operative portion of the said order reads as under:

“In view of the aforesaid circumstances, the impugned memo is liable to be set aside and is, accordingly, set aside, and the respondents are directed to consider the case of the petitioners afresh in the light of the above observations, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of

this order.”

4. It is the further case of the petitioner herein, as submitted by the learned counsel for the petitioner herein, that subsequently the 3rd respondent college submitted proposals to the respondents on 11.03.2010, 10.12.2011, 06.11.2015 and 09.07.2015 requesting for regularization of the services of the petitioner herein. According to the learned counsel for the petitioner no action has been taken by the respondents 1 and 2, despite the said proposals sent by the 3rd respondent, nor any orders have been passed on the said proposals.

5. In the facts and circumstances of the case, this Court does not find any justification on the part of the official respondents herein in not passing any orders on the said proposals sent by the 3rd respondent. Having regard to the nature of controversy, this Court is of the considered opinion that ends of justice would be met, if the official respondents are directed to pass appropriate orders on the proposals sent by the 3rd respondent for regularization of the services of the petitioner herein, in accordance with law, by fixing some timeframe.

6. For the aforesaid reasons, Writ Petition is disposed of, directing the respondents 1 and 2 to take appropriate action on the proposal sent by the 3rd respondent on 06.11.2015 and pass appropriate orders, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

A.V.SESHA SAI, J

30.03.2016
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