

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18968 of 2000

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner, seeking a writ of mandamus to declare the proceedings dated 23.05.2000 issued by the 2nd respondent, declining to consider the case of the petitioner and passing an order to the effect that his case will be considered, as and when his turn comes for regularization, as illegal and arbitrary. A consequential direction is also sought to the respondents to pay the regular scale of pay attached to the post of Matron as revised from time to time.

2. Heard Sri V.V.L.N. Sarma, learned counsel for the petitioner, and Mr. A.K. Jayaprakash Rao, learned standing counsel for Tirumala Tirupati Devasthanam, appearing for the respondents 2 and 3.

3. It is brought to the notice of this Court that the services of the petitioner were regularized with effect from 22.01.2008 vide proceedings dated 19.03.2008 of the 2nd respondent.

4. Learned counsel for the petitioner contends that since the petitioner has been working as Matron since 09.09.1992, his services should have been regularized with retrospective effect as was done in the case of other individuals.

5. Learned standing counsel for the respondent Devasthanam is that the Devasthanam never denied the regularization of the petitioner

or similarly situated individuals, that in fact, the impugned proceedings would make it clear that the case of the petitioner would be considered as and when his turn comes for regularization, that the turn of the petitioner had come up for regularization only in the year 2008 and his services were regularized with effect from 22.01.2008 vide proceedings dated 19.03.2008 issued by the 2nd respondent, and that in view of the fact that the services of the petitioner were regularized, the cause in this writ petition does not survive for adjudication.

6. I have considered the rival submissions made by the parties.

7. Learned counsel for the petitioner has brought the attention of this Court to the proceedings dated 09.08.2012 issued by the 2nd respondent, wherein the services of 198 individuals were regularized retrospectively with effect from 06.05.1991. Whereas, in the present case, the services of the petitioner were regularized with effect from 22.01.2008 vide proceedings dated 19.03.2008 issued by the 2nd respondent. Therefore, the retrospective regularization as sought by the petitioner is a subsequent development i.e., after filing of the present writ petition. Therefore, the cause in the writ petition does not survive for adjudication and accordingly the writ petition is dismissed as infructuous. If the petitioner is so advised, he can always ventilate his grievance by submitting appropriate representation to the respondent Devasthanam, as was done in the case of other individuals vide proceedings dated 09.08.2012, and upon such representation

being made by the petitioner, the respondent Devasthanam will consider the same and pass appropriate orders at the earliest.

Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

18th December, 2017
cbs



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WRIT PETITION No. 18968 of 2000
(disposed of)

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