

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 21494 of 2016

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed seeking to set aside the order dated 21.12.2015 passed by the Tribunal in O.A.No. 6470 of 2015 whereby the O.A. was dismissed.

The learned counsel for the petitioner submits that the petitioner was appointed as part-time Sweeper vide proceedings dated 16.08.1982 issued by the 2nd respondent. Thereafter, the petitioner filed O.A.No. 3839 of 2006 seeking regularization of her services and that O.A. was allowed vide order dated 14.10.2009, however the respondents therein did not comply with that order. At last, the petitioner filed Contempt Application No. 1573 of 2010 against the respondents for non-compliance with the order dated 14.10.2009, and thereafter, the respondents issued proceedings regularizing the petitioner's services with effect from 21.06.2011.

The grievance of the petitioner is that her services were not regularized with effect from 16.08.1982 when she was appointed as Part-Time Sweeper.

The learned Government Pleader for Municipal Administration and Urban Development appearing on behalf of

respondent Nos.1 and 4 to 6 submits that the Tribunal, while dismissing O.A.No. 6470 of 2015 observed that since the Tribunal in O.A.No. 3839 of 2006 ordered regularization of the petitioner's services under G.O.(P)No.112 dated 23.07.1997 as against existing vacancy or supernumerary vacancy, the question of granting arrears of pay to the petitioner for the back period from the year 1982 onwards does not arise at all. It is also observed that the petitioner will be entitled to salary as against the regularized post of Sweeper with effect from the date of regularization of her services as against an existing vacancy or supernumerary vacancy.

We note, the petitioner has failed to show existence of any vacancy post in earlier period than 21.06.2011 when the petitioner's services were regularized. In fact, it is a condition precedent for regularization even under G.O.(P) No.112.

In view of the facts recorded above, I find no illegality or perversity in the impugned order.

Hence, we find no merit in the writ petition and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

19.06.2017

bcj

SURESH KUMAR KAIT, J

DR. SHAMEEM AKTHER, J