

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.20063 of 2006

ORDER:-

This writ petition is filed for the following substantive relief:

“to issue any writ, order or direction more particularly one in the nature of a Writ of Mandamus or any other appropriate writ declaring the inaction on the part of the respondents in considering the case of the petitioners for absorption in the available vacancy in the respondent corporation, as illegal and arbitrary, and consequently direct the respondents to consider the absorption of the petitioners in the suitable vacancy in the respondent corporation with all consequential and attendant benefits.”

The point involved in the present writ petition is squarely covered by the judgment of this court in W.P.No.14809 of 2006, dated 03.01.2007. In that case, a learned single Judge of this court, relying upon the judgment of the Supreme court in *Steel Authority of India Limited v. National Water Front Workers*¹ observed as under:

“Following the judgment of the Apex Court in *Steel Authority of India Limited vs. National Water Front Workers*, a learned single Judge of this Court disposed of a batch of similar writ petitions in W.P.No.16865 of 1991, by judgment, dated 27.09.2002, granting liberty to the petitioners to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization. In fact, following the said judgment, other learned Judges of this Court, disposed of several batch of writ petitions with similar directions.

In the circumstances, following the aforesaid judgment and for the reasons mentioned therein, I deem it appropriate to dispose of this writ petition with the following directions.

The petitioners are at liberty to approach the Labour Authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization of their services with the respondents-APEPDCL.”

¹ 2001 (6) ALD 1

Having carefully perused the said judgment, I am satisfied that the petitioners raised the issue, which is identical to the issue raised in the writ petition, stated supra, and that the said judgment squarely covers the issue raised in the present writ petition.

In view of the above, this writ petition is also disposed of in terms of the said judgment in W.P.No.14809 of 2006, dated 03.01.2007. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

Date: 11.10.2017
Dsr



M.S.K.JAI SWAL, J