

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21563 OF 2001

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Typist as illegal and arbitrary, and consequently to issue a direction to regularize the services of the petitioner.

Heard Sri Dasari Vijaya Kumar, learned counsel for the petitioner and Sri R.Vinod Reddy, learned Standing Counsel for the respondents.

It is the case of the petitioner that the petitioner was initially appointed as Typist in the year 1997 in the Office of respondent No.2 and he is fully eligible and qualified for regular appointment. The petitioner filed the present writ petition seeking regularization in terms of B.P.Ms.No.36, dated 18.5.1997.

It is the further case of the petitioner that at the time of admission, this Court had granted interim direction to continue the services of the petitioner vide orders dated 16.10.2001 and by virtue of the said interlocutory orders, the services of the petitioner were

continued. However, when his services were not continued during the year 2005, it appears that the petitioner had filed contempt case against the respondents. When the contempt case has been moved, learned counsel for the petitioner contended that the respondents had illegally terminated the petitioner from service without any reason and further contends that the case of the petitioner be considered for regularization in terms of B.P.Ms.No.36, dated 18.5.1997.

Learned counsel for the respondents contended that there is no vacancy available with the respondents and the question of considering the case of the petitioner does not arise and the petitioner was never employed with the respondents directly and the petitioner was employed through the contractor and this writ petition deserves to be dismissed.

Having considered the rival submissions made by the parties, I am of the considered view that if the cases of similarly situated persons are considered for regular appointment in terms of B.P.Ms.No.36, dated 18.5.1997, I do not see any reason why the case of the petitioner should not be considered for regularization as Typist in terms of B.P.Ms.No.36, dated 18.5.1997. Therefore, the

respondents are directed to consider the case of the petitioner for regular appointment in terms of B.P.Ms.No.36, dated 18.5.1997 as per rules and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above said directions, this writ petition is disposed of. However, no order as to costs.

Pending miscellaneous petitions, if any, in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI,J

Date:18.12.2017

slk

