

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17015 OF 2002

ORDER

Heard Sri R.Dheeraj Singh, learned counsel appearing for the petitioner and Sri Taddi Nageswara Rao, learned Standing Counsel appearing for the 2nd respondent-N.T.R University of Health Sciences.

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner in the post of Assistant University Engineer with effect from 28.10.1988, as arbitrary and illegal.

It is the case of the petitioner that he was appointed as Work Inspector on NMR basis in the 2nd respondent-University on 8.10.1988; that after completion of five years of service, he submitted a representation to regularize his services as Assistant University Engineer; that when the 2nd respondent had not passed any orders, the petitioner has filed W.P.No.26122 of 1995 seeking a direction to regularize his services; that this Court *vide* order dated 6.8.1996 had allowed the said writ petition directing the 2nd respondent to consider the case of the petitioner for regularization of his services in terms of G.O.Ms.No.212. Challenging the said order, the respondent-University had preferred W.A.No.1041 of 1996 &

batch, and a Division Bench of this Court had disposed of the same on 11.9.1996 directing the respondent-University to consider the cases of the petitioner & others for regularization in terms of G.O.Ms.No.212. Aggrieved by the same, the respondent-University carried the matter in appeal *vide* SLP No.21372 of 1996 and the Apex Court, dismissed the same *vide* order dated 18.11.1996. When the respondent-University had not complied with the orders passed by various Courts, the petitioner has filed C.C.No.641 of 1997, then only the respondent-University has extended the minimum time scale attached to the post of Assistant University Engineer to the petitioner *vide* proceedings dated 18.6.1997 with effect from 1.10.1996. Thereafter, the respondent-University had not taken any steps to regularize the services of the petitioner.

It is very unfortunate that in spite of orders from various Courts directing the respondent-University to regularize the services of the petitioner in terms of G.O.Ms.No.212, it had not implemented those orders, which necessitated the petitioner to file the present writ petition seeking regularization of his services.

Learned counsel appearing for the petitioner submits that the petitioner filed W.P.M.P.No.20458 of 2003 in the present writ petition to designate him as Assistant University

Engineer, and this Court vide order dated 28.10.2003 has directed the University to consider the case of the petitioner for designating him as Assistant University Engineer and that the University has placed the issue before the Executive Council, which approved the same and the petitioner was designated as Assistant University Engineer vide order dated 11.02.2004. He further submits that even though the petitioner is working since 1988, which is almost three decades, the respondent-University has not considered the case of the petitioner for regularization. He further submits that the writ petition be allowed by directing the University to regularize the services of the petitioner as Assistant University Engineer.

On the other hand, learned Standing Counsel appearing for the 2nd respondent-University contends that there were no sanctioned posts in the University and consequently, the case of the petitioner could not be considered for regularization. He further contends that this Court cannot give positive direction to regularize the services of the petitioner with retrospective effect.

I have considered the rival submissions made by the learned counsel on either side.

In view of the fact that the petitioner has been rendering services in the respondent-University for the past 29 years and

in view of the latest rulings of the Apex Court in *State of Karnataka & ors vs. Uma Devi & ors*¹, wherein it was held that the cases of the persons, who are rendering services for long years, deserve to be considered for regularization. This is one such a case and hence, the case of the petitioner deserves to be considered for regularization.

Therefore, the Writ Petition is disposed of directing the respondent-University to consider the case of the petitioner for regularization as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th December, 2017
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¹ (2006) 4 SCC 1