

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NOs.7776 OF 2000 & 14155 of 2001

COMMON ORDER:

1. These writ petitions are filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in not regularizing the services of the petitioners as unlawful and arbitrary, and consequently, to direct the 1st respondent to regularize the services of the petitioners with effect from their respective dates of joining into service.
2. Heard Sri Mohd. Osman Shaheed, learned Counsel for the petitioners and Sri K. Lakshman, Assistant Solicitor General for the respondents.
3. Learned Counsel for the petitioners submits that the petitioners were appointed to work in the Officers' mess of the 1st respondent and they have put in long years of service, and their services should be regularized. He further submits that the services of the 23rd writ petitioner in W.P.No.7776 of 2000 were regularized, and the services of rest of the petitioners in the above two writ petitions were not regularized.
4. The respondents filed a counter-affidavit contending that the petitioners are not their employees and they were engaged by the mess committees, and that the relationship of master and servant does not exist between the respondents and the petitioners. It is further contended that insofar as the 23rd writ petitioner is concerned, the respondents issued a notification for recruitment of cook in the academy, and in pursuance of the said notification, the 23rd petitioner had applied, but the rest of the petitioners had not applied, and that the 23rd petitioner had appeared for

the recruitment test, upon which, he was selected and appointed as a cook in the academy.

5. There is no material on record to show that the petitioners were appointed by the respondents. In the absence of any such material, this Court cannot give any positive direction to regularize the services of the petitioners. The writ petitions are devoid of merits.

6. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

29th November, 2017
Nn

(ABHINAND KUMAR SHAVILI.J)



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