

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.20271 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners have challenged the order dated 15th February 2016 passed in O.A.No.1236 of 2014, whereby, the O.A. filed by respondent No.1 herein was disposed of directing the petitioners to consider the case of applicant/respondent No.1 for regularisation of service in accordance with rules, and in case, he is not eligible for regularisation in accordance with existing rules, then the petitioners were directed to pay minimum time scale of pay attached to the regular post borne on the last grade service pending regularisation, from the date of filing of O.A., within a period of three months from the date of receipt of copy of the said order.

2. When similar issue came up before the Tribunal in O.A.No.3168 of 2014, the Tribunal allowed the O.A. by order dated 01.02.2016, directing to pay minimum time scales to the applicants therein. The said order is confirmed by this Court today i.e. 10.07.2017 in another writ petition being W.P.No.20900 of 2017. However, the difference between O.A.No.3168 of 2014 and the present O.A.No.1236 of 2014 is that in O.A.No.3168 of 2014, the applicants therein did not press for the relief of regularisation of their services as they have not completed the requisite minimum service as per G.O.Ms.No.212, Finance and Planning (FW-PC-III) Department, dated 22.04.1994. They only claimed for grant of minimum time scale. But, in the present O.A., the learned Tribunal directed the petitioners herein to consider

the case of the applicant/respondent No.1 for regularisation in accordance with rules, and in case, he is not eligible for regularisation in accordance with existing rules, then the petitioners were directed to pay minimum time scale of pay attached to the regular post borne on the last grade service pending regularisation, from the date of filing of O.A.

3. Since the order dated 01.02.2016 passed in O.A.No.3168 of 2014 is confirmed by this Court in W.P.No.20900 of 2017, respondent No.1 herein is entitled for minimum time scale. As far as the issue of regularisation is concerned, the petitioners are directed to consider the case of respondent No.1 for regularisation of service in accordance with rules, as directed by the learned Tribunal.

4. In view of above, the present writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

10th July 2017

ajr