

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 1169 of 2009

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents to regularize the services of the petitioner as LPG Mechanic or Data Entry Operator basing on his Eligibility and Qualification in the Respondents Corporation and to pay the scales attached to the post and other emoluments to be paid from the date of regularization of the services of the petitioner.

2) The facts in issue are as under:

On 19.01.1999 the petitioner herein joined as daily wage LPG Mechanic in the office of third respondent and later he was asked to look after various works. The petitioner was also looking after the computer works, now called as Computer Assistant. At the time of joining, the petitioner possessed intermediate qualification and later he acquired a degree in graduation. It is stated that the petitioner has put in ten years service and as such he is eligible and qualified to hold the post of LPG Mechanic. After completion of seven years of his service, the petitioner made a representation to the second respondent for regularization of his services. On 23.03.2008, after acquiring PG Diploma in Computer Application, the petitioner once again made a representation to the second respondent to regularize his services

as LPG Mechanic/ Data Entry Operator. The petitioner also made representations on 23.05.2008 and 15.09.2008. Though there is a clear vacancy of LPG Mechanic, the respondent authorities did not consider the request of the petitioner. Hence the writ petition.

3) Learned counsel for the petitioner submits that the petitioner is attending his duties to the utmost satisfaction of the respondents though he is working in the Corporation since 1999, the Government erred in not regularizing his services. He relied upon the judgment of this Court in W.P.No.20726 of 2010, wherein the request of one T.Yadagiri, who stands on the same footing as that of the petitioner, was accepted.

4) There is no dispute that the case of the petitioner is identical to the one referred to above. The petitioners in W.P.No.20726 of 2010 were appointed as watchman on daily wage basis in the Corporation and were working as such since 1993. After considering various judgments of the Apex Court more particularly *Secretary, State of Karnataka and others v. Umadevi*¹ a learned Single Judge of this Court disposed of the writ petition holding as under:

“Having regard to the directions issued by the Supreme Court in Umadevi case, the respondents are directed to consider the claim of the petitioners for regularization, if necessary by examining the requirement to formulate a scheme as directed by the Supreme Court in Umadevi case. Such exercise shall be completed and decision to this extent shall be taken as expeditiously as possible,

¹ (2006) 4 SCC 1

preferably, within a period of two months from the date of receipt of copy of this order.”

5) In the instant case also, the petitioner has been working as daily wage employee in the Corporation since 1999. It is also to be noted that pursuant to the judgment of this Court, the Telangana State Civil Supplies Corporation Limited, made recommendations to the Government vide Lr.No.P.Admn. A7/ 58(1)/ 1996, dated 18.03.2017 for regularization of services of eight employees. Though the name of the petitioner was not in the list, but in page No.4 of the recommendations, there is a reference to the petitioner and also his request for regularization of services in the Corporation.

6) Having regard to the facts and circumstances of the case and since the case of the petitioner stand on the same footing as that of those persons, whose names have been recommended by the Corporation for regularization of their services, the writ petition is disposed of on the same terms and conditions as ordered by this Court in W.P.No.20726 of 2010.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

23.08.2017
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