

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23147 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the order issued by the 1st respondent vide proceedings Rc.No.JA/6/2007, dated 17.10.2007, as arbitrary and illegal, and consequently, to set aside the same.
2. Heard Sri M.A.K. Mukheed, learned Counsel for the petitioner and Sri. G. Seena Kumar, learned Standing Counsel for the respondents.
3. It is the case of the petitioner that he was appointed as Technical Work Inspector on consolidated pay at Gudiwada Section of Krishna District Scheduled Castes Co-operative Society, on 1.8.1987 and since then, he has been discharging his duties without any complaints. When the minimum time scale was not extended, the petitioner filed W.P.No.27236 of 1996 before this Court. The said writ petition was disposed of on 1.2.2007 directing the petitioner to make a representation within two weeks and directing the respondents to consider and pass appropriate orders, in accordance with law. But the respondents have rejected the case of the petitioner for grant of minimum time scale of pay vide the order impugned. Aggrieved by the same, the petitioner filed this writ petition.

4. It has been contended by the petitioner that even as on today, he is being continued on temporary basis on consolidated pay, but his case was not considered for regularization and that the respondents neither extended minimum time scale nor regularized the services of the petitioner.

5. The learned Standing Counsel for the respondents contended that since the conditions of G.O.Ms.No.212, dated 22.4.1994 were not fulfilled in the case of the petitioner, his case could not be considered for regularization and he is also not entitled for minimum time scale of pay.

6. Having considered the rival submissions made by the parties this Court is of the view that if the petitioner is being continued even as on today, he is entitled for minimum time scale of pay as laid down by the Hon'ble Supreme Court in *State of Punjab and others Vs. Jagjit Singh and others*¹.

7. Accordingly, the writ petition is disposed of directing the respondents to examine the case of the petitioner for grant of minimum time scale of pay to him, if he is being continued as on today. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 10th September, 2018.
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¹ (2017) 1 SCC 148

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10/09/2018

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