

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24267 OF 2010

ORDER

This writ petition is filed seeking the following relief:

“...to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in rejecting the case of the petitioner by the proceedings dated 30-08-2010 as wholly illegal, arbitrary and violation of Article 14 of Constitution of India and consequently regularize the services of the petitioner with effect from the date of completion of one year probation period i.e. with effect from 1.3.1994 and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he is fully eligible and qualified to be appointed as Mechanic. The respondent-Corporation issued a notification on 10-02-1992 for recruitment of backlog vacancies for SC and ST candidates. Since the petitioner belongs to SC community, he responded to the said notification and after undergoing selection process, he was selected and appointed as Mechanic *vide* proceedings dated 15.3.1993. His grievance is that the persons, who were recruited along with him pursuant to the said notification,

were regularized within one year, but his services were regularized in the year 1997. Hence, the petitioner submitted a representation to the respondent-Corporation to consider his case for regularization of his services on par with the persons, who were recruited along with him. But the respondents have rejected his case *vide* proceedings dated 30-08-2010. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that when a notification was issued for filling up the backlog vacancies meant for SCs and STs, the persons, who were appointed along with the petitioner in pursuance to the said notification, were regularized within one year, but the petitioner's services were regularized in the year 1997, which is arbitrary and illegal and that appropriate direction be given to the respondent-Corporation to regularize the services of the petitioner from the date of his initial appointment.

Learned Standing Counsel appearing for the respondent-Corporation contends that in pursuance of the notification dated 10-02-1992 meant for SCs and STs, some persons were appointed to the category of Blacksmith and Hammer Man and the petitioner was appointed as Mechanic and therefore, the petitioner cannot compare himself with different cadre persons; that when a regular vacancy had

arisen in the month of December, 1997, his services were regularized; that thereafter, he filed W.P.No.24144 of 2009 and this Court *vide* order dated 10.11.2009 disposed of the same directing the respondent-Corporation to dispose of the representation within a period of eight weeks; in pursuance of the said order, the case of the petitioner was considered and rejected *vide* order dated 30.08.2010 stating that there was an inordinate delay of more than 15 years in pursuing his case and on this ground itself, the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the notification dated 10-02-1992 was issued for filling up the backlog vacancies meant for SCs and STs and the petitioner was appointed on 15.3.1993. Since the respondent-Corporation has regularized the services of similarly situated persons, who were appointed along with him, the case of the petitioner can also be considered for regularization of his services from the date of his initial appointment.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to consider the case of the petitioner for regularization of his services from the date of his

initial appointment and pass appropriate orders within a period of four weeks 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 November, 2018
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