

**HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.7809 OF 2004**

**ORDER:**

This writ petition is filed seeking to declare the action of the respondents in not regularizing the services of the petitioner with effect from 22.12.1981 and also in not paying the back wages from 01.10.1981, as directed by this Court in W.P.No.1601 of 1985, as illegal and arbitrary. A consequential direction is also sought to regularize the services of the petitioner with effect from 22.12.1981 instead of 1990 and to pay the back wages with effect from 1.10.1981 to 9.2.1987.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner, Sri B. Anjaneyulu, learned counsel for the 1<sup>st</sup> respondent and Sri Mehar Chand Nori, learned Standing Counsel for the 2<sup>nd</sup> respondent.

It has been contended by the learned counsel for the petitioner that the petitioner was appointed as a casual labour in the year 1975 in the respondents' organization and while he was discharging the duties, his services were terminated on 28.2.1977. Challenging the same, the petitioner has filed I.D.No.15 of 1980, and the Industrial Tribunal vide its award dated 19.2.1981, has set aside the order of termination and directed the respondents to reinstate the petitioner into service with full back wages. Accordingly, the petitioner was reinstated into service. Thereafter, again the petitioner was terminated from his services for the second time without issuing any notice and the petitioner filed another I.D.No.24 of 1983, before the Industrial Tribunal and the Tribunal by its award dated 5.12.1984, upheld the order of termination of the petitioner, against which the petitioner filed a

Writ Petition No.1601 of 1985 and this Court by an order dated 11.9.1986, allowed the writ petition directing the respondents to reinstate the petitioner into service with full back wages with costs.

It has been further contended by the learned counsel for the petitioner that the services of the petitioner were regularized only with effect from 09.03.1990, instead of regularizing his services from 22.12.1981.

The learned Standing Counsel appearing for the respondents would contend that the regularization of services is unilateral and it cannot be connected with the casual labourers who were on rolls as on March, 1990 and accordingly, the services of the petitioner were regularized along with other casual labourers. As such, the question of regularizing the services of the petitioner with retrospective effect would not arise and the writ petition is liable to be dismissed as it is misconceived.

This Court having considered the rival submissions made by the parties, is of the considered view that the contention of the petitioner for regularization of his services with effect from 22.12.1981, cannot be considered as no material is placed before this Court. The specific stand of the respondents is that the persons who were in service as on March, 1990 were considered and their services were regularized. When such is the plea and which is not disputed by the petitioner, there cannot be any direction to regularize the services of the petitioner with effect from 1981.

The next issue is about payment of back wages. This Court vide its order dated 11.9.1986 in W.P.No.1601 of 1985 allowed the writ petition directing the respondents to reinstate the petitioner

with full back wages. If the said direction is not complied with, then the respondents are directed to pay back wages to the petitioner, in compliance with the order dated 11.9.1986, passed by this Court in W.P.No.1601 of 1985, within a period of eight weeks from the date of receipt of copy of the order.

With these observations, the writ petition is disposed of. No order as to costs.

Sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

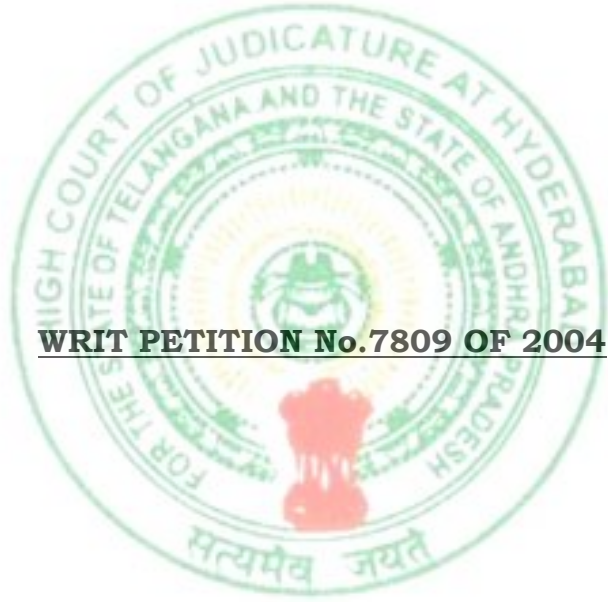
Date:06.09.2018.  
Gk.

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**ABHINAND KUMAR SHAVILI,J**



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**Date:06.09.2018**

**Gk.**