

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12530 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in counting the date of the petitioner's absorption into regular post as 6.8.2005 instead of 3.7.2001, which is the date of absorption of other eight workers appointed along with the petitioner, as illegal and arbitrary, and to direct the respondents to count the date of the petitioner's absorption as 3.7.2001.

2. Heard Sri Vasudha Nagaraj, learned Counsel for the petitioner and Sri A. Krishnam Raju, learned Counsel for the respondents.

3. It is the case of the petitioner that he was initially appointed as a casual Khalasi in Visakhapatnam steel plant on 17.5.2000 along with eight other workmen. While he was discharging his duty as Khalasi, he was involved in a criminal case and he was convicted by the criminal court in C.C.No.320 of 2000 for the offence under Section 417 IPC by III Metropolitan Magistrate, Visakhapatnam. Thereafter, the petitioner unsuccessfully preferred the appeal before the Sessions Court and Criminal Revision before this Court, and finally, he carried the matter to the Hon'ble Supreme Court by

filing Criminal Appeal No.356 of 2004 and the Hon'ble Supreme Court vide order dated 22.3.2004 was pleased to dispose of the appeal by allowing the parties to compound the offence by duly taking into account the fact that the petitioner had married the girl, who is the complainant. The grievance of the petitioner is that his services were regularized from 6.8.2005 and his services ought to have been regularized on par with other Khalasis, who were appointed along with him, with effect from 3.7.2001. It has been submitted that this Court was pleased to pass interim order on 4.6.2007 directing the respondents to consider the case of the petitioner and pass orders as per law on the representation dated 10.5.2006 purported to have been filed by the petitioner, within a period of six weeks. It has been informed by the petitioner that so far, the respondents have not disposed of the said representation and the same is still pending.

4. The learned Counsel for the petitioner contended that in view of the orders passed by the Hon'ble Supreme Court by permitting the parties to compound the offence under which the petitioner was convicted by the Courts below, the petitioner is entitled for regularization on par with other employees with effect from 3.7.2001.

5. The learned Counsel for the respondents contended that since the petitioner was convicted by the competent criminal

court, the petitioner's case was not considered for regularization, and subsequent to the orders of the Hon'ble Supreme Court on 22.3.2004 in the Criminal Appeal filed by the petitioner, the respondents have regularized the services of the petitioner and they have not committed any illegality in regularizing the services of the petitioner with effect from 6.8.2005 and there are no merits in this writ petition.

6. This Court has considered the submissions made by the parties and the material available on record. From the material on record, it is obvious that this Court vide order dated 4.6.2007 directed the respondents to consider the case of the petitioner and pass appropriate orders as per law on the representation dated 10.5.2006 submitted by the petitioner. It is the case of the petitioner that no orders have been passed so far on his representation in spite of the interim direction given by this Court. Since no orders have been passed on the representation of the petitioner, the respondents are directed to consider and pass appropriate orders on the representation dated 10.5.2006 submitted by the petitioner seeking to regularize his services on par with other employees, who were appointed along with him, within a period of 4 weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of.
No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 7th September, 2018.
Nn.



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7.9.2018

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