

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 1307 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not considering the cases of the petitioners for regularization of their services as sub-editors in the 1st respondent institution, as illegal and arbitrary. A consequential direction is also sought to the respondents to consider the cases of the petitioners for regularization of their services as sub-editors from the date of their initial appointments i.e., 19.11.2008 by paying UGC revised pay scales along with all other perks attached to the said post including seniority, arrears of pay.

Heard Ms. B.V. Aparna Lakshmi, learned counsel for the petitioners, and learned standing counsel for the respondent institution.

It has been contended by the petitioners that they are fully qualified and eligible to be appointed as sub-editors in the 1st respondent institution and accordingly they were appointed as sub-editors on 19.11.2008 after undergoing regular selection process. Their grievance is that in spite of putting in more than a decade of service and the services of similarly situated persons were regularized, they are being discriminated and their services are not being regularized. It is also contended that though their case was recommended by the 1st respondent and the same was forwarded to

the Executive Council, so far no orders are passed in their favour. Challenging the same, the present writ petition is filed.

Learned standing counsel for the 1st respondent institution has contended that the petitioners were initially appointed on contract basis and their tenure of contract period ended on 06.11.2014 and thereafter no further extension has been granted, but the petitioners are being continued in service. It is further contended that when the petitioners were appointed purely on contract basis, the question of considering their case for regularization would not arise. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side and perused the record, this Court is of the considered view that the writ petition can be disposed of with a direction to the respondents to consider the case of the petitioners for regularisation of their services.

Accordingly, the writ petition is disposed of directing the respondents to consider the case of the petitioners for regularization of their services and pass appropriate orders by duly taking into account the orders dated 03.08.2018 passed in W.A.No.1049 of 2018, in accordance with law, within four weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

27th November, 2018
cbs



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(disposed of)

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