

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 1956 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed assailing the order dated 10.08.2017 passed by the Tribunal in O.A.No. 2367 of 2017 whereby the application filed by the petitioners under Section 19 of the Administrative Tribunals Act, 1985 praying to declare the action of the respondents in not regularizing their services from the date of completion of 10 years of service in the existing vacancies as held by the Hon'ble High Court in W.P.No. 24377 of 2007 and as confirmed in W.A.No. 782 of 2010, as illegal, void and contrary to Articles 14 and 21 of the Constitution of India and consequently direct the respondents to regularize their services in the existing vacancies from the date of completion of 10 years of service in terms of judgment in W.P.No. 24377 of 2007 as confirmed in W.A.No. 782 of 2010, was dismissed.

The learned Government Pleader for Services (A.P) appearing on behalf of the respondents submits that since the petitioners failed to place any relevant material before the Tribunal, their claim was dismissed.

Having heard the learned counsel for both the parties, we are of the considered opinion that the Tribunal has not

considered the petitioners' case on merit and dismissed their original application merely based on the fact that the petitioners failed to furnish complete details of their service.

Hence, we are inclined to pass the following directions:

The respondents are directed to treat the present writ petition as a representation / relevant material. Also, the petitioners shall make a fresh representation to the 4th respondent who shall forward the same to the 1st respondent along with a copy of the present writ petition within a period of one week from the date of receipt of such representation. Thereafter, the 1st respondent shall decide the petitioners' representation in the light of the order passed by this Court in W.P.No. 24377 of 2007 which was confirmed in W.A.No. 782 of 2010 and as per the order dated 19.09.2017 passed in W.P.No. 27217 of 2017 within a period of two months from the date of receipt of representation and communicate the decision to the petitioners in writing, within one week thereafter.

With the above observations, the writ petition is allowed. Consequently, the order dated 10.08.2017 in O.A.No. 2367 of 2017 passed by the Tribunal is hereby set aside. It is needless to mention that if the petitioners are still aggrieved by the decision of the respondents, they are at

liberty to approach the appropriate forum. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

24.01.2018

ABHINAND KUMAR SHAVILI, J

bcj

