

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.28716 OF 2015

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 2nd respondent in not considering the case of the petitioners for continuing them as NMR workers on par with their juniors as arbitrary and illegal and consequently, to direct the respondents to consider the case of the petitioners for continuation of their services as NMR workers on par with their juniors working in the 2nd respondent institution, pending regularization of their services.

Heard Sri W.B.Srinivas, learned counsel appearing for the petitioners, learned Government Pleader for Endowments appearing for respondents 1 and 3, and Smt K.Lalitha, learned Standing Counsel appearing for the 2nd respondent-Temple.

It is the case of the petitioners that initially, they were appointed as NMR workers in the 2nd respondent-Temple in 2001 and their services were discontinued in 2007 without any notice. Challenging their discontinuance from service, the petitioners had filed W.P.No.8714 of 2008. While admitting the writ petition, this Court on 4.9.2008 in WPMP No.11551 of 2008 directed the respondents to consider the case of the petitioners for continuing them as NMR workers in the 2nd respondent-Temple and pass appropriate orders, as per law, within a period of four weeks. It is

the further case of the petitioners that as the said direction was not complied with by the respondents, the petitioners had filed another Writ Petition No.17497 of 2014 and this Court vide order dated 26.06.2014 disposed of the same and the operative portion of the order reads as under:

“Under these circumstances, the 2nd respondent is directed to consider and dispose of the representation dated 14.07.2012 submitted by the petitioners, as per the orders of this Court in W.P.Nos.10450 of 1998 and 17103 of 1998 and in accordance with rules and regulations concerning regularization within a period of two weeks from the date of receipt of copy of this order.”

In spite of the said order, no action has been taken by the respondents. Hence, the petitioners approached the 2nd respondent and submitted a representation dated 6.2.2015 requesting to engage them as NMR workers. But, so far no orders have been passed thereon. Hence, the present writ petition is filed.

Counter-affidavit has been filed on behalf of the 2nd respondent, wherein it is stated that in pursuance of the orders passed by this Court on 26.06.2014 in W.P.No.17497 of 2014, the cases of the petitioners were considered and rejected by the 2nd respondent *vide* order dated 27.09.2015.

In view of the fact that the cases of the petitioners were considered and rejected vide order dated 27.09.2015 by the 2nd respondent, the Writ Petition is dismissed. However, the

petitioners are at liberty to challenge the said rejection order dated 27.09.2015 passed by the 2nd respondent. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

16th April, 2018

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