

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 23849 of 2002

ORDER:-

When the matter is taken up for hearing, there is no representation on behalf of the petitioners.

It is noticed that this writ petition is filed seeking a direction to the respondents to regularize the petitioners' services. This Court, by order dated 28.11.2002, while admitting the writ petition, granted interim direction to the respondents to pay minimum wages attached to the posts of the petitioners, and subsequently, by order dated 04.11.2003, dismissed the vacate stay petition filed by the respondents.

The Apex Court in the case of *Secretary, State of Karnataka v. Umadevi*(3)¹ held as under:

“One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in *S.V.Narayanappa*, *R.N.Nanjundappa* and *B.N.Nagarajan* and referred to in para 15 above, of duly qualified person in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the Courts or of Tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above-referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such *irregularly* appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the Courts

¹ (2006) 4 SCC 1

or of Tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not *sub judice*, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

In view of the law laid down by the Supreme Court, the respondents are directed to consider the cases of the petitioners for regularization of their services and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

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

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

ABHINAND KUMAR SHAVILI, J

25-10-2018

bcj