

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 19087 OF 2004

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner is seeking regularization on par with his juniors.

The grievance of the petitioner is that he was appointed as a Conductor during the year 1981 and his services were regularized with effect from 1.8.1995.

Learned counsel for the petitioner contends that the respondents ought to have regularized the services of the petitioner from the date of his initial appointment but not with effect from 1.8.1995. Learned counsel further submits that the case of the petitioner was considered in pursuance to the orders passed by this Court in W.P.No.12098 of 2004 dated 15.7.2004 and the same was rejected vide orders dated 26.8.2004 on the ground that required number of workers have been absorbed during 1981. Learned counsel for the petitioner submits that appropriate orders be passed directing the respondents to regularize the services of the petitioner from the date of his initial appointment i.e., 8.6.1991.

Learned Standing Counsel for the respondents contends that the respondents have rightly rejected the case of the petitioner vide orders dated 26.8.2004 and in the initial selections, the petitioner was not found to be eligible and when the selection procedure had been modified after 1981, the case of the petitioner was considered in pursuance to the modified selection procedure when he became eligible after he had completed 240 days of service. Hence, no irregularity has been committed by the respondents in regularizing the services of the petitioner

with effect from 1.8.1995. Therefore, there are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

This Court, having considered the rival contentions, is of the considered view that the respondents have rightly regularized the services of the petitioner with effect from 1.8.1995 and the respondents have rightly rejected his case vide proceedings dated 26.8.2004, as in the initial selection the petitioner was found to be ineligible and only after modification of the selection process the petitioner became eligible and his case was considered in terms of the modified selection procedure.

Therefore, there are no merits in the Writ Petition and the Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

Date: 17.12.2018

KPM

ABHINAND KUMAR SHAVILI ,J

