

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 23125 of 2003

ORDER:

The Petitioner is challenging the action of the Respondents in not regularizing the services of the petitioner on par with his junior viz., G.Appa Rao, Driver.

Heard Sri S.M.Subhan, counsel for the petitioner and Sri Ramana, Standing Counsel for Respondents.

It has been contended by the Petitioner that the Petitioner was initially appointed as Driver during January 1997 and Petitioner was removed from service on the allegation that the Petitioner has produced fake driving licence. There afterwards, Petitioner has challenged the orders of removal by filing Writ Petition No.12642/1999 and this Hon'ble Court was pleased to allow the said Writ Petition on 25.07.2002 granting 50 % of back wages for out of employment period. There afterwards, the Respondent Corporation has preferred an Appeal before the Division Bench by filing W.A.No.1709/2002 and that Division Bench was pleased to dispose of Writ Appeal on 15.09.2009 and in pursuance there to, the petitioner was reinstated into service.

The grievance of the Petitioner is that the Petitioner is entitled for regularization from the date on which his junior viz., Sri G.Appa Rao is regularized and to that effect, the petitioner has submitted representation

requesting the Respondents to regularize his services from the date of his junior G.Appa Rao. But the Respondents have not considered the said representation and challenging the same, the present Writ Petition is filed.

The Standing Counsel for the respondents contends that the petitioner is not entitled for regularization on par with his junior and there are no merits and the Writ Peittion is liable to be dismissed.

This Court having considered the rival submissions of both the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking regularization of his services from the date of regularization of his junior i.e. G.Appa Rao within two weeks from the date of receipt of copy of this order and upon such representation being received, the Respondents shall consider and pass appropriate orders in accordance with law.

With these observations, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

26th December, 2018
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