

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13593 OF 2002

ORDER

This writ petition is filed seeking the following relief:

“... to issue a writ, order or direction more in the nature of Writ of Mandamus, declaring the action of the respondents in not regularizing the services of the petitioners service as Sweepers and further insisting the petitioners to sign on the Contract Service Agreement as illegal, arbitrary and contrary to the provisions of Industrial Disputes Act, 1947 and also the Contractor Labour (Regularization & Abolition) Act, 1970 and in violation of Articles 14, 16 and 39(d) of the Constitution of India and consequently direct the respondents to regularize the services of the petitioners and grant them the time scale of pay with all consequential benefits.”

Heard Sri V.Sudhakar Reddy, learned counsel appearing for the petitioners and learned Standing Counsel appearing for the respondents.

It is the case of the petitioners that they were appointed as Sweepers in the year 1982 and ever since then, they have been discharging their duties as such. The State Government had taken a policy decision to regularize the services of the daily wage employees *vide* G.O.Ms.No.212, dated 22.4.1994. Pursuant to the said G.O, the employee must complete five years of service as on 25.11.1993. In the instant case, the petitioners have completed more than five years of service as

on the cut off date fixed in the said G.O. and hence, they are entitled for regularization.

Learned counsel appearing for the petitioners submits that the issue involved in the writ petition is squarely covered by the judgment of the Apex Court in *B.Srinivasulu vs. The Nellore Municipal Corporation* (Special Leave Appeal No.12432 of 2014, dated 17-8-2015). The operative portion of the order reads as under:

“In the circumstances, refusing the benefit of the above mentioned G.O. on the ground that the appellants approached the Tribunal belatedly, in our opinion, is not justified. In the circumstances, the appeal is allowed modifying the order under appeal by directing that the appellants’ services be regularized with effect from the date of their completing their five year continuous service as was laid down by this Court in *District Collector/Chairperson & others vs. M.L.Singh & Ors* 2009 (8) SCC 480.”

Learned Standing Counsel appearing for the respondents contends that the case of the petitioners will be considered for regularization in terms of the policy of the Corporation.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioners for regularization.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioners for regularization as Sweepers by duly taking into consideration the judgment of the Apex Court in *B.Srinivasulu vs. The Nellore Municipal Corporation* (Special Leave Appeal No.12432 of 2014, dated 17-8-2015), and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

8th October, 2018
rkk

