

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8512 of 2012

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in effecting regularization/decasualization of conductors within the 2nd respondent unit without reference to seniority/order of merit in the selection and further action in not considering the case of the petitioners for according seniority on par with the respondents 3 and 4 w.e.f. 1.8.1992 and further in not considering the representation of the petitioners about their grievance and treating the petitioners as juniors to the persons who are appointed along with the petitioners as highly illegal, arbitrary and violative of Article 14 of the Constitution of India and pass such other order or orders in the interest of justice.”

Heard Sri G.V.Shivaji, learned counsel appearing for the petitioners and Sri S.V.Ramana, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioners that they were appointed as Conductors in the respondent-Corporation on daily wages basis on 20-08-1991, and have been working as such. Thereafter, their services were regularized vide order dated 21.8.1993. But, respondents 3 and 4, who were appointed along with the petitioners, were regularized *vide* order dated 2.9.1992, due to which, respondents 3 and 4 became seniors to the petitioners, respondents 3 and 4 have been given pay scale

of Rs.11,270/-, where as, the petitioners were given basic pay of Rs.9,430/-. Hence, the writ petition.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondent-Corporation to regularize the services of the petitioners on par with respondents 3 and 4 and the writ petition is liable to be allowed.

Learned Standing Counsel appearing for the respondent-Corporation contends that respondents 3 and 4, who were recruited along with the petitioners, are not juniors; that as and when vacancies arises, the cases of daily wage workers were considered for regularization and when the turn of the petitioners have come up, their cases were considered for regularization; that the petitioners cannot compare with respondents; that the writ petition is liable to be dismissed.

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

Accordingly, the Writ Petition is disposed of directing the petitioners to submit a representation afresh to the respondent-Corporation within a period of two weeks from the

date of receipt of a copy of this order. On receipt of such representation, the respondent-Corporation is directed to consider the cases of the petitioners for regularization of their services on par with respondents 3 and 4 only for the purpose of retiral benefits, but not in respect of seniority and pass appropriate orders, in accordance with law, within a period of four weeks thereafter. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th November, 2018
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