

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION Nos.5986 and 6004 of 2014

COMMON ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

Despite the matter being posted 'for orders', there is no representation for the petitioners, Union of India and its officials in the Customs Department.

These writ petitions stand on par with W.P.No.9590 of 2013 which was dismissed by this Court *vide* order dated 12.09.2018. Be it noted that the only direction granted by the Tribunal in the O.As., which was the cause for grievance in these writ petitions, was to confer temporary status upon the applicants in the said O.As. from the dates they became eligible for grant of such temporary status.

Sri Pratap Narayan Sanghi, learned counsel for the respondents in these writ petitions, would bring it to the notice of the Court that there were three categories of employees who were entitled to be conferred temporary status - those who came under the ambit of the Circular issued by the authorities in the year 1993; those who were covered by the direction of the Supreme Court in SECRETARY, STATE OF KARNATAKA V/ s. UMADEVI¹ in terms of having completed ten years of service by the date of the said judgment without the protection of any court orders; and those who came into service only after the year 1996 and did not come within the ambit of the second category. Learned counsel would further state that by virtue of the interim suspension granted by this Court, the entire process of conferring temporary status came to a grinding halt.

¹ (2006) 4 SCC 1

As observed in the order dated 12.09.2018 passed in W.P.No.9590 of 2013, we are at a loss to understand as to why the Union of India and its officials chose to file these writ petitions when it was for them to act upon the directions of the Tribunal and grant relief only when the requirements were duly satisfied. The writ petitions, in their very inception, were therefore utterly misconceived and are accordingly dismissed.

We leave it open to the respondents in these writ petitions to make suitable representations to the authorities concerned citing as to how they would come within one of the aforesaid three categories and how they would be entitled to conferment of temporary status. The authorities shall thereupon take appropriate action as directed by the Tribunal.

Interim orders granted in these cases shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

Date:06.12.2018

GJ