

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7466 of 2003

O R D E R:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent No.2 in issuing the proceedings dated 11.08.2000 regularizing the services of the petitioner with effect from 02.09.1994 instead of from the date of his joining.

It is stated that the petitioner was initially appointed as Conductor on 14.09.1990 on casual basis in respondent-Corporation and his services were regularized with effect from 02.09.1994 instead of from the date of his initial appointment, though he completed 240 days of continuous service. The persons, who are similarly situated like petitioner, their services were regularized from the date of completion of 240 days, whereas, the case of the petitioner was discriminated and regularized with effect from 02.09.1994.

Learned counsel for petitioner would contend that while regularizing the services of the petitioner, respondent

authorities ought to have taken into consideration of the fact that the petitioner had completed 240 days.

Learned Standing Counsel for respondent-Corporation would submit that the cases of employees appointed on casual basis will be considered for regularization after completion of 240 days of their service subject to availability of vacancies. Since the vacancy arisen in the year 1994, the services of the petitioner were regularized accordingly with effect from 02.09.1994 and there is no illegality or irregularity committed by respondent authorities.

This court having considered the rival submissions of both the counsel, is of the considered view that the respondents had rightly regularized the services of the petitioner as and when the vacancy arose and the petitioner cannot expect that immediately after completion of 240 days, his services shall be regularized. There is no illegality or irregularity found in the impugned order warranting interference of this Court.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any pending shall stand closed.

ABHINAND KUMAR SHAVILI, J

Mj// *

