

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 1402 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records including the proceedings of the 1st respondent dated 01.01.2002 and G.O.Ms.No.24, dated 01.04.2011 and quash the proceedings of the 1st respondent and the said G.O. insofar as regularizing the services of the petitioner with prospective effect.

Heard learned counsel for the petitioner and learned standing counsel for the respondents.

It has been contended by the petitioner that during pendency of the writ petition, the services of the petitioner were regularized vide G.O.Ms.No.24 dated 01.04.2011, that the regular vacancy arose during 2004, and that the respondents instead of regularizing his services with effect from 2004 have erroneously regularized his services with prospective effect. Questioning the same, the present writ petition is dismissed.

Learned standing counsel for the respondents has contended that if at all the petitioner is aggrieved by the orders of regularization of his services with prospective effect, he may challenge the said orders independently because the proper and necessary party i.e., the State Government is not impleaded as a party which is competent to decide whether the petitioner is entitled for regularization with prospective effect or retrospective effect.

I have considered the rival submissions made by the parties and perused the record. I am of the considered view that as rightly contended by the learned standing counsel for the respondents, the State Government is a proper and necessary party to be impleaded as a party respondent because it is competent to decide whether the petitioner is entitled for absorption with prospective effect or retrospective effect.

In view of the above and as the services of the petitioner were regularized during pendency of the writ petition, the writ petition is closed as no further orders are necessary in the writ petition. However, liberty is given to the petitioner to challenge the orders of regularization of his services with prospective effect, if he is so advised.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

22nd November, 2018
cbs

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Writ Petition No. 1402 of 2002
(closed)

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