

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.6672 OF 2008

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the orders of the 2nd respondent passed in Rc.No.K7/28/KKC/TML/2007, dated 04.10.2007 as illegal and arbitrary and consequently direct the respondents to continue the petitioners as Barbers in T.T.D. Kalyanakatta, Tirumala, Chittoor District.

2. Heard Mr.O.Manohar Reddy, learned counsel for petitioners and Smt.Sesshavani, learned standing counsel for the respondents.

3. It has been contended by the learned counsel for the petitioners that the petitioners were working as Barbers on consolidated wages. While the petitioners were working, the 2nd respondent issued proceedings, dated 04.10.2007 directing the petitioners to submit age proof. Since the petitioners have not submitted the age proof, their services were terminated.

4. When the matter is taken up for hearing, it is noticed that the writ petition in respect of the petitioners does not survive except petitioner No.9, who was aged about 37 years at the time of filing of the writ petition and the rest of the petitioners have died or they have withdrawn the writ petition. Therefore, the counsel for the petitioners contends that since the petitioner No.9 is within the permissible age limit, his case may be considered and the petitioner No.9 has already submitted age proof to the respondents. But, in spite of the same, the respondents have illegally terminated the services of the petitioner No.9.

5. Learned standing counsel for the respondents contended that as per the impugned proceedings, dated 04.10.2007, the respondents have given 3 days time to the petitioners to produce age proof so as to continue them in the service and since none of the petitioners have produced age proof within 3 days, their services were terminated. At this point of time, the question of consideration of the case of the petitioners would not arise and the writ petition is liable to be dismissed.

6. This Court having considered the rival contentions made by both parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner No.9 for engaging him as a Barber, if he is within the permissible age limit and subject to condition the petitioner No.9 produces age proof in support of his claim. It is needless to say that if the petitioner No.9 is eligible for regularization on par with the similarly situated persons, his case may be considered in accordance with law.

7. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 10-10-2018

Hsd