

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.29783 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of respondent No.1 in not regularizing the services of the petitioners from the year 2001 to 2007, who are working as Staff Nurses in NIMS at Hyderabad in spite of their representation and the last representation, dated 02.04.2015, as illegal, arbitrary and unconstitutional, and consequently to direct the respondents to regularize the services of the petitioners as Staff Nurses in NIMS Hospital for the year 2001 to 2007 by taking into consideration the information furnished under RTI Letter, dated 09.06.2015, read with the undertaking/assurance provided in the appointment orders, i.e., as and when vacancies arisen, regular appointment can be made and award all the consequential benefits arising there from, including promotion as Head Nurses and pay and allowances etc.

Heard Sri G.V.L.Murthy, learned counsel for the petitioners, Sri G.Anandam, learned standing counsel for respondent No.1 and the learned Government Pleader for Medical & Health, appearing for respondent No.2.

It has been contended by the petitioners that they are all qualified to be appointed as Staff Nurses. Respondent No.1 had issued a notification calling for applications for the posts of Staff Nurses in March, 2000 and the petitioners have applied for the said posts. After undertaking regular selection process, the petitioners were appointed as Staff Nurses. In the appointment orders given to the petitioners, it was specifically stated that as and when regular vacancies arise, their cases

will be considered for regular appointment. The case of the petitioners is that their services were regularized during 2007. However, their grievance appears to be that the vacancies have arisen during 2001 itself, but respondent No.1 has not regularized the services of the petitioners in regular vacancies from 2001. It has been further contended by the petitioners that they have submitted a representation to the respondents to consider their cases for regularization with anterior date i.e., from 2001, during which year vacancies have arisen, instead of regularizing their services from 2007.

Learned standing counsel, appearing for respondent No.1, has contended that the petitioners were initially appointed on contract basis and when regular vacancies arisen, their services were regularized in 2007 and the question of regularization of the services of the petitioners with retrospective date would not arise.

This court has considered the rival submissions made by both the parties. Without expressing any opinion on the merits of the case, the writ petition is disposed of, directing respondent No.1 to consider the representation of the petitioners, dated 02.04.2015, and pass appropriate orders thereon, as per Rules and in accordance with law, within a period of 8 (eight) weeks from the date of receipt of a copy of this order and communicate the same to the petitioners. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 19.04.2018
Dsr