

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 34562 OF 2013

ORDER:

The petitioners have filed this writ petition seeking a direction to regularize the services of the petitioners and the petitioners are also challenging the action of the respondents in issuing notification dated 04-10-2013, wherein the respondents were trying to fill up 800 posts without considering the cases of the petitioners for regularization of their services.

2. Learned counsel for the petitioners submits that the petitioners were appointed almost three decades back and they have been continuously working with the respondents but the respondents are not considering their cases for regularization of their services. Learned counsel for the petitioners has placed reliance on the judgment of the Hon'ble Supreme Court in ***Secretary, State of Karnataka and others Vs. Uma Devi and others***¹ to contend that employers to take a policy decision to frame a scheme for regularizing services of temporary employees and consider their cases for regularization. Admittedly, the petitioners have put in more than three decades of service with the respondents but the respondents are not considering their cases for regularization of their services. Learned counsel appearing for the respondents contended that the petitioners are working in respondent No. 4-society and they are not employees of respondent Nos. 1 to 3 and therefore question of considering their services for regularization would not arise by respondent Nos. 1 to 3 and contended that it is for respondent No. 4-society to consider the

¹ 2006 (4) SCC 1

cases of the petitioners for regularization of their services. Learned counsel for the respondents further contended that two of the writ petitioners participated in pursuance of notification dated 04-10-2013 issued by the respondents and they were selected and appointed in pursuance of the said notification and since the other petitioners have not either responded or not come up within the zone of consideration for appointment, their cases were not considered and the judgment relied upon by learned counsel for the petitioners has no application in the instant case. There are no merits in the writ petition and the same is liable to be dismissed.

3. Right to be considered is a fundamental right guaranteed under Constitution of India. Since the petitioners have put in more than three decades of service, the respondents are bound to consider their cases for regularization in terms of the judgment rendered by the Hon'ble Apex Court in *Uma Devi (supra)*. This Court having considered the rival submissions of both learned counsel is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation to the respondents seeking regularization of their services within two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another four weeks thereafter.

4. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in consequence. No costs.

ABHINAND KUMAR SHAVILI, J.

Date: 28-12-2018.
JSK

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DATE: 28TH DECEMBER, 2018

JSK