

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11991 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to consider the case of the petitioner for grant of temporary status and regularisation in terms of the Casual Labour (Grant of temporary status and Regularisation) Scheme and the Award dated 17.1.2000 in I.D.No.31 of 1995 on the file of the Industrial Tribunal, Hyderabad.

2. Heard Sri V. Venkateswar Rao, learned Counsel for the petitioner and Sri R.S. Murthy, learned Standing Counsel for the respondents.

3. It has been submitted by the petitioner that he was initially engaged as a Casual Mazdoor on daily wage basis in the year 1984 and he was continued in service upto January, 1990 and thereafter, during February, 1990, his services were terminated. It has been contended by the petitioner that he has completed more than 240 days of service in the year 1989 and as such, his case should be considered for regular appointment, but his case was not considered for regularization. It has been further contended that juniors of the petitioner were continued in service but his services were illegally disengaged and in those circumstances, he raised a dispute before

the Regional Labour Commissioner, Hyderabad, and after failure of conciliation mechanism, reference was made to the Industrial Tribunal by the Government of India, Ministry of Labour, New Delhi under Section 10(1)(d) and sub-section (2A) of the Industrial Disputes Act, and the learned Tribunal after hearing the case on merits passed the award on 17.1.2000 directing that the petitioner should be reinstated into service. However, the Tribunal held that the petitioner is not entitled for any back wages, and that if any permanent vacancy arises, if any casual employees are considered for appointment, then his second original date of appointment of August, 1989 shall be considered as his original date of appointment. It has been submitted by the petitioner that the respondents herein challenged the said award passed by the Industrial Tribunal by filing W.P.No.2336 of 2001 and this Court dismissed the said writ petition on 13.2.2001 and after dismissal of the said writ petition, the petitioner was reinstated into service on 22.11.2001 and ever since he has been continued.

4. The grievance of the petitioner is that though he was continued on casual basis, his services are not being considered for absorption/regularization in the department and therefore, this writ petition is filed to consider his case for regular appointment and also for grant temporary status in terms of scheme of Casual Labour (Grant of temporary status and Regularization) Scheme by

duly taking into account the direction given by the Tribunal in I.D.No.31 of 1995 dated 17.1.2000.

5. When this matter is taken up for hearing, the learned Standing Counsel for the respondents submits that the respondents complied with the orders passed by the learned Tribunal in true letter and spirit. He further submits that as and when regular vacancy arises, the case of the petitioner will be considered for regularisation/absorption.

6. In view of the submissions made by the learned Standing Counsel, this Court is of the view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for regularisation/absorption as and when regular vacancy arises.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for regularisation/absorption as and when regular/permanent vacancy arises. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 26th July, 2018

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Dated: 26.7.2018

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