

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9201 of 2007

O R D E R:

The present writ petition is filed seeking to issue a writ of *Mandamus*, declaring the action of respondents in rejecting the case of the petitioner for regularization of his services, as illegal and arbitrary.

2. The grievance of the petitioner is that he was appointed as Watchman on NMR basis on 01.04.1988 and later the said post was converted as Attender. Though he put-in nearly 19 years of service in the above post, his services were not regularized so far by the respondents.

3. Heard learned counsel appearing for petitioner and learned Standing Counsel appearing for respondents.

4. Learned counsel for petitioner would submit that the case of the petitioner deserves to be considered for regularization in view of the decision of the Apex Court in *State of Karnataka Vs. Umadevi*¹, wherein it was held that the persons, who were

¹ (2006) 4 SCC 1

continued long length of service, the management shall framed a service rules in order to regularize their services.

5. Learned Standing Counsel for respondents would submit that the case of the petitioner cannot be considered for regularization since there are no vacancies in the said post at present.

6. In the light of the above submissions, and in view of the law laid down in the decision cited supra (1), the writ petition is disposed of directing respondents to consider the case of the petitioner for regularization of his service as Attender as and when vacancy to the said post arise, in accordance with rules framed by the Corporation. No costs.

7. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

04th October, 2018
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