

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25800 OF 2001

ORDER

This writ petition is filed seeking for the following relief:

“...to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents in not regularizing the service of the petitioner herein and instead of showing the petitioner as junior to the persons who were appointed subsequent to the petitioner thereby depriving the petitioner service benefits as highly illegal, arbitrary and violative of Art.14 of the Constitution of India apart from contrary to the principles of natural justice and consequently direct the respondents to regularize the service of the petitioner from the date of regularization of the other NMRs by restoring his seniority on par with them w.e.f 26-12-1986 with all attendant benefits and pass other order or orders in the interest of justice.

Heard Sri G.V.Shivaji, learned counsel appearing for the petitioner, and learned Government Pleader for Co-operation appearing for the respondents.

Initially, the petitioner was appointed as Clerk on NMR basis on 19-12-1979 and ever since then, he has been working in the 1st respondent-organization. His grievance is that though the persons appointed along with him and those subsequently appointed were all regularized, his case was not considered for regularization.

Learned counsel appearing for the petitioner submits that though the petitioner submitted series of representations to the

respondents and one such representation is dated 18.10.2000, so far no orders have been passed thereon by the respondents.

Learned Government Pleader for Co-operation contends that the petitioner had retired from service on attaining the age of superannuation by accepting all the service benefits without any protest and in view of the same, the cause in the writ petition does not survive for adjudication, and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case, this Court is of the considered view that since the representation dated 18.10.2000 submitted by the petitioner is pending before the respondents, ends of justice would be met if a direction is given to the respondents to consider and dispose of the said representation.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation dated 18.10.2000 submitted by the petitioner, and pass appropriate orders thereon, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

