

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14686 OF 2003

ORDER :

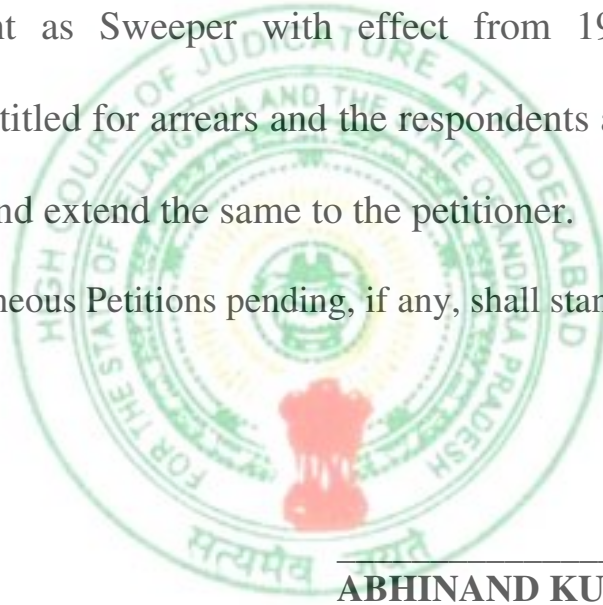
This Writ Petition is filed seeking regularization of the services of the petitioner from the date of her initial appointment from 1981, instead of 3.9.1986 and contends that the petitioner is entitled for regularization from the date of her initial appointment and requests that appropriate orders may be passed in this Writ Petition, directing the respondents to regularize the services of the petitioner from the date of her initial appointment with effect from 1981, instead of 3.9.1986. The petitioner further contends that the petitioner was appointed on daily wage basis as Sweeper on compassionate grounds during 1981. The petitioner further contends that whenever any person is to be appointed on compassionate grounds such person should be appointed in regular vacancy and the question of engaging the petitioner on daily wages would not arise and therefore, contends that the action of the respondents in not regularizing her services from the date of her initial appointment is arbitrary and illegal and appropriate direction may be issued to the respondents to regularize her services from the date of her initial appointment.

The Standing Counsel for the respondents contends that the services of the petitioner were regularized in the year 1986 and she has filed this Writ Petition in the year 2003 with an inordinate delay of more than 17 years and contends that the Writ Petition is to be dismissed only on this ground.

This Court, having considered the rival submissions made by the parties, is of the considered view that the petitioner who was only a Sweeper

was not aware of the legal consequences regarding delay and laches. The petitioner was appointed as a Sweeper way back in 1981 on compassionate grounds and the contention of the respondents that she was appointed on daily wages is totally against the rules. Whenever any person is to be appointed on compassionate grounds, such person has to be appointed against regular vacancy. Therefore, this Court is of the considered view that the petitioner is entitled for regularization of her services from the date of her initial appointment. Accordingly, Writ Petition is allowed directing the respondents to regularize the services of the petitioner from the date of her initial appointment as Sweeper with effect from 1981. However, the petitioner is not entitled for arrears and the respondents are directed to fix the notional benefits and extend the same to the petitioner.

The Miscellaneous Petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

17th December, 2018

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