

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15577 of 2010

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 2nd respondent in treating the petitioners as daily wage drivers even after five years of continuous service, as violative of Articles 14 and 16 of the Constitution of India. A consequential direction is also sought to the 2nd respondent to regularize the services of the petitioners as Heavy Motor Vehicle Drivers and pay them all consequential benefits on par with regular drivers.

Heard Sri P. Venkateswara Rao, learned counsel for the petitioners, and Sri D. Vidya Sagar, learned standing counsel for the respondents 2 and 3.

The case of the petitioners is that they were all appointed as Drivers in the respondent corporation in the year 2004 on daily wage basis and since then they are working as such to the satisfaction of their superiors. Their grievance is that though they have been working since 2004, the respondents are not considering their cases for regularization of their services and also not extending the minimum time scale of pay to them.

Learned counsel for the petitioners has submitted that the present writ petition is squarely covered by the orders dated

20.04.2016 passed by this Court in W.P.No.18550 of 2014 wherein this Court directed to extend the minimum time scale of pay to the petitioners therein, and prayed that this writ petition may also be disposed of, in terms of the orders passed in the said writ petition. He further submitted that in respect of regularization of services of the petitioners is concerned, liberty may be given to the petitioners to file appropriate applications at a later point of time.

Learned standing counsel for the respondent corporation has contended that as and when appropriate scheme is introduced for regularization of the services of the petitioners, their cases will be considered for regularization by taking into account the judgment of the Apex Court in *State of Karnataka Vs. Umadevi*¹. He has further contended that in respect of extension of minimum time scale of pay is concerned, as the petitioners are working on daily wage basis, the question of extending the minimum time scale of pay to them pending regularization would not arise.

Having considered the submissions made by the parties and perused the material available on record, this Court is of the considered view that the petitioners are entitled for grant of minimum time scale of pay attached to the posts against which they are working, as they were all recruited in pursuance of a regular selection process.

¹ (2006) 4 SCC 1

Therefore, the writ petition is disposed of directing the respondents to consider the case of the petitioners for extension of the minimum time scale of pay to them, on par with the petitioners in W.P.No.18550 of 2014 and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

10th October, 2018
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 15577 of 2010
(disposed of)

10th October, 2018

cbs