

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.638 OF 2010

O R D E R

The case of the petitioner is that he has been working as a watchman in the 3rd respondent – college with effect from 1.3.1984 and is continuing till date, on a consolidated pay. Government issued G.O.Ms.No.212 Finance and Planning (FW. PC.III) Department dated 22.04.1994 for regularization of employees who have put in continuous service of five years as on 25.11.1993. As the petitioner is working since 1.3.1984, 3rd respondent – College submitted proposals for regularization of the services of the petitioner to the 1st respondent – Government. By the impugned memo No.6130/CE.II.2/2008 dated 22.06.2009, the proposals have been rejected on the ground that the petitioner was not paid from grant-in-aid for a minimum period of five years prior to 25.11.1993.

Learned counsel for the petitioner submits that as on 25.11.1993, petitioner has put in more than five years of service and he is entitled for regularization in terms of G.O.Ms.No.212 dated 22.04.1994. But the 1st respondent without considering the case of the petitioner in proper perspective and in the light of the said G.O., rejected his claim for regularization. He further submits that the 3rd respondent has resubmitted the proposals, but the 1st respondent, who is the competent authority, has not passed order till date.

Learned Government Pleader for Education submits that since the petitioner was appointed by the 3rd respondent contrary to the rules, he is not entitled for regularization in terms of G.O.Ms.No.212 dated 22.04.1994

and there are no merits in the writ petition and the same may be dismissed.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel, writ petition is disposed of directing the 3rd respondent to submit fresh proposals for regularization, if the petitioner is working as on date, within a period of one week from the date of receipt of a copy of this order and the competent authority is directed to consider the said proposals and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI, J

DATE: 26—10—2018

Note:

Issue C.C. in two days.

B/O

AVS

