

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5986 OF 2004

ORDER:

1. This writ petition is filed seeking a direction to the respondents to regularize the services of the petitioners from the date of their initial appointment i.e., from 25.11.1993, in terms of G.O.Ms.No.212 dated 22.4.1994, but not from 4.11.1999.

2. The learned Counsel for the petitioners submits that initially, the District Collector regularized the services of the petitioners with effect from 25.11.1993 in terms of G.O.Ms.No.212, dated 22.4.1994, but the said orders were cancelled by the Government on the ground that there was no approval of the finance department, and subsequently, the case of the petitioners was considered, and their services were regularized from 4.11.1999 vide orders dated 30.11.1999. He further submits that when the petitioners' services were not regularized from the date of their initial appointment, they filed W.P.No.41884 of 1996 and the said writ petition was disposed of on 30th July, 1996, and pursuant there to, the respondents considered the case of the petitioners and rejected the same vide order dated 7.9.2002 on the ground that their services cannot be regularized from the date of their initial appointment. Challenging the same, the present writ petition is filed.

3. Further, the learned Counsel for the petitioners submits that similar issue fell for consideration before the Hon'ble Supreme Court in Special Leave Appeal (C) No.12432 of 2014 and the Hon'ble Supreme Court was pleased to direct the respondents therein to regularize the services of the appellants therein from the date, when they have completed 5 years of continuous service in terms of G.O.Ms.No.212 dated 22.4.1994 and that the case of the petitioners is identical, and therefore, appropriate orders be passed in this writ petition to regularize the services of the petitioners from the date of their initial appointment.

4. The respondents submitted that since the approval of the finance department was not obtained by the District Collector, the orders passed by him regularizing the services of the petitioners were cancelled, and subsequently, after obtaining approval from the finance department, the services of the petitioners were regularized vide order dated 30.11.1999 and that the respondents have not committed any irregularity or illegality, and there are no merits in the writ petition and the writ petition is liable to be dismissed.

5. This Court having considered the rival submissions made by the parties is of the view that this writ petition can be disposed of directing the respondents to consider the case of the petitioners in terms of the judgment rendered by the Hon'ble

Supreme Court in Special Leave Appeal (C) No.12432 of 2014, and pass appropriate orders.

6. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioners in terms of the judgment rendered by the Hon'ble Supreme Court in Special Leave Appeal (C) No.12432 of 2014, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 29.11.2018.
Nn.



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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29/11/2018

Nn.