

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11418 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“..to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the respondents in not regularizing the petitioner's services as Clerk-cum-Typist is illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to regularize the petitioner's services as Clerk-cum-Typist.”

Learned counsel appearing for the petitioner submits that the petitioner was appointed as Clerk-cum-Typist in the respondent-University, on contract basis; and that though he has rendered service for more than two decades, his services are not regularized and the scale attached to the said post is not extended to him.

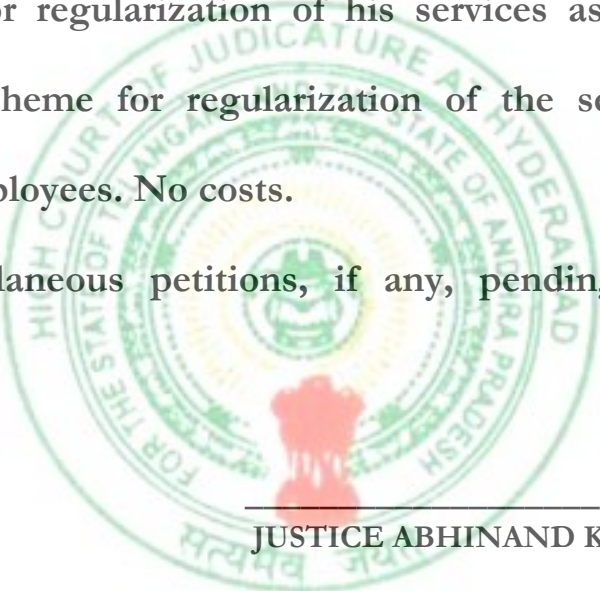
Learned Standing Counsel appearing for the respondent-University submits that the petitioner was appointed on contract basis and hence, the question of regularization of his services does not arise.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that a contract employee cannot seek regularization as a matter of fact. As and when the respondent-University takes a policy decision to regularize the services of contract

employees, the case of the petitioner has to be considered in accordance with the scheme. It is always open for the respondent-University to frame a scheme for regularization of the contract employees in accordance with rules. This Court cannot give a positive direction to regularize the services of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondent-University to consider the case of the petitioner for regularization of his services as and when it frames a scheme for regularization of the services of the contract employees. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

4th December, 2018
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