

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25842 of 2007

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not regularizing the services of petitioners on completion of five years of service as illegal and arbitrary and consequently direct the respondents to regularize the services of petitioners from the date on which they have completed five years of service with all consequential and attendant benefits including arrears of pay.

Mr.A.Ravinder learned counsel for petitioners, learned Government Pleader for Endowments and the learned Standing Counsel for 2nd respondent.

It has been contended by petitioners that they were appointed as daily wage workers in the 2nd respondent Devasthanam on 08.04.1992 and ever since, they are continuously discharging their duties. It is further contended that services of similarly placed persons, who were appointed prior to 25.11.1993, were regularized vide G.O.Ms.No.76 dated 12.05.2017.

Learned counsel appearing for the petitioners has furnished a copy of G.O.Ms.No.76 dated 12.05.2017 and contends that the petitioners are also identically placed to the persons, in whose favour regularisation orders were passed vide G.O.Ms.No.76, dated 12.05.2017.

Learned Standing Counsel appearing for 2nd respondent contended that the persons, who were regularized vide G.O.Ms.No.76, dated 12.05.2017 are the persons, who were appointed prior to 25.11.1993 and they have put in 24 years of service and the Government has taken a decision as a special case to absorb and regularize the services of 35

NMRs appointed prior to 25.11.1993 and contends that the petitioners were appointed as daily wage workers but not as NMRs and that is the reason, the respondents have not considered the case of petitioners for regularization.

This Court, having considered the rival submissions, is of the considered view that in the instant case, the petitioners were appointed prior to 25.11.1993 i.e., on 08.04.1982 and they have put in more than 25 years of service and they are also entitled for similar treatment as was extended in favour of 35 NMRs in whose favour G.O.Ms.No.76, dated 12.05.2017 was issued.

Therefore, this writ petition is disposed of directing the respondents to consider the case of petitioners as was done in the case of persons, in whose favour G.O.Ms.No.76, dated 12.05.2017 was issued, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10-09-2018
Prv