

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20053 of 2010

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not absorbing/regularizing the services of the petitioners, in not paying the wages properly to the petitioners, and in not extending the service benefits attached to the post of Syce, as illegal and arbitrary. A consequential direction is also sought to the respondents to consider the case of the petitioners for regularization.

Heard Sri V. Sudhakar Reddy, learned counsel for the petitioners, and Ms. S. Siva Kumari, learned standing counsel for the respondents.

It has been contended by the petitioners that they were all appointed on temporary basis during the year 2005 after undergoing regular selection process. In pursuance of a notification issued by the respondents for filling up the posts of Syce, they had responded to the notification and they were appointed to the posts of Syce. Their grievance is that the respondents are not absorbing/regularizing their services inspite of the fact that they had put in considerable length of service with the respondents.

Learned counsel for the petitioners has contended that in view of the law laid down by the Hon'ble Supreme Court in *Nihal Singh*

*Vs. State of Punjab*¹ and *Secretary, State of Karnataka Vs. Umadevi*², the petitioners are entitled for regularization of their services.

Learned standing counsel appearing for the respondents has contended that the petitioners are not appointed on regular basis and they were appointed on daily wage basis, however, the case of the petitioners would be considered as and when regular vacancies arise.

Having considered the rival submissions made by the parties and perused the record, this Court is of the considered view that the writ petition can be disposed of with a direction to the respondents to consider the case of the petitioners for regularization of their services.

Accordingly, the writ petition is disposed of directing the respondents to consider the case of the petitioners for regularization of their services by duly taking into account the judgments rendered by the Apex Court in *Nihal Singh case* and *Umadevi case* referred to supra, and pass appropriate orders within eight weeks from the date of receipt of a copy of this order. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

5th November, 2018
cbs

¹ (2013) 14 SCC 65

² (2006) 4 SCC 1

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