

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5792 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus, declaring the impugned order dated 13.03.2002, issued by the 3rd respondent-District Educational Officer, Kadapa, as unlawful, arbitrary and also violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction directing the respondents to continue the services of petitioners in the absorbed and regularized posts of Class-IV employees in SMMS Oriental High School, Pulivendula, Kadapa District with all consequential benefits.

Heard Sri Sai Reddy, learned counsel for petitioners and the learned Government Pleader for Finance and Planning.

It has been contended by the petitioners that they were appointed as Watchman, Sweeper-cum-Waterman and Waterman in the year 1975 in the 5th respondent-school and their services were regularized vide proceedings dated 14.10.2001. While the petitioners were discharging their duties in regularized posts, respondents have issued impugned orders dated 13.03.2002, cancelling the regularization orders, dated 14.10.2001. Challenging the same, the present writ petition is filed.

Learned counsel for petitioners submits that the petitioners fulfill all the conditions as set out in G.O.Ms.No.212, dated 22.04.1994 and the services of petitioners were rightly regularized, but the action of respondents in cancelling the earlier regularization orders, is arbitrary and illegal. It is submitted that this Court, by order dated 02.04.2002, was pleased to grant interim suspension of the

impugned orders of cancellation of regularization orders and the petitioners were allowed to continue in the regularized posts, and during the pendency of this writ petition, they have attained the age of superannuation and retired from service. Learned counsel for petitioners further contend that appropriate orders be passed directing the respondents to settle the terminal benefits of petitioners in accordance with the earlier regularization orders.

This Court, having considered the rival submissions of the parties, is of the considered view that in view of the interim orders, the regularization orders were not cancelled and now that they have retired from service, the respondents are directed to treat the petitioners as regular employees and settle their terminal and other benefits, if not already settled, in accordance with Rules and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th December 2018

ajr