

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45526 of 2018

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus, declaring the action of respondents in not regularizing the services of the petitioner as per G.O.Ms.No.212, dated 22.04.1994 while regularising the services of the similarly situated NMRs vide G.O.Rt.No.792, dated 17.09.2018, issued by the 1st respondent as void, illegal, arbitrary, discriminatory and unconstitutional, and consequently direct the respondents to regularize the services of petitioner as Sweeper as per G.O.Ms.No.212, dated 22.04.1994, as per the proposals made by the 5th respondent, dated 05.02.2015 and the proposals of the 3rd respondent, dated 20.02.2016 with effect from the date of completion of 5 years of service as NMR under the control of the 5th respondent by taking into consideration of the orders of this Court in W.P.No. 33936 of 2011 and batch, dated 02.05.2018.

Heard learned counsel for the parties.

It has been contended by the petitioner that she was appointed as a Sweeper on NMR basis in the 5th respondent-Municipality on 25.06.1988 and she had completed 5 years and 5 months of service as on 25.11.1993 and she is fully eligible and qualified to be regularized in terms of G.O.Ms.No.212, dated 22.04.1994. The grievance of the petitioner is that though she has completed more than 30 years of service, her case is not being considered for regularization. The petitioner further submits that the 5th respondent has submitted proposals to the 1st respondent on 05.02.2015 and the 3rd respondent has also submitted proposals to the 1st respondent on 20.02.2016, but

the 1st respondent is not passing any orders on the proposals submitted by the 3rd and 5th respondents. Therefore, counsel for petitioner contend that appropriate orders be passed in the writ petition directing the 1st respondent to regularize the services of petitioner in terms of the proposals submitted by respondent Nos.3 and 5. Counsel for petitioner further contend that this Court, in similar circumstances, was pleased to dispose of W.P.No.39548 of 2018 on 02.11.2018, directing the respondents therein to regularize the services of petitioners therein by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation** {Civil Appeal No.6318 of 2015, dated 17.08.2015} and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018 and pass appropriate orders within a period of Eight weeks from the date of receipt of a copy of said order. Counsel for petitioner submits that the petitioner is also identically placed and contend that this writ petition be also disposed of directing the respondents to regularize the services of petitioner in terms of the orders passed in W.P.No.39548 of 2018, dated 02.11.2018.

The learned Government Pleader appearing for respondents contend that the case of the petitioner will be considered in terms of the proposals submitted by respondent Nos.3 and 5.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing respondent No.1 to pass appropriate orders on the proposals submitted by the 5th respondent on 05.02.2015 and also

the proposals submitted by the 3rd respondent on 20.02.2016, by duly taking into account the judgment of the Hon'ble Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation** {Civil Appeal No.6318 of 2015, dated 17.08.2015} and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018, within a period of Eight 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.

14th December 2018

ajr

ABHINAND KUMAR SHAVILI, J

