HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45649 OF 2018

ORDER

This writ petition is filed seeking the following relief:

> **"…to issue writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not regularizing the services of the petitioners from the date of completion of 10 years of service in the existing vacancies as held by the Hon'ble Apex Court in the case of *State of Karnataka vs. Uma Devi*'s reported in 2006(4) SCC 1 as followed by this Hon'ble High Court in W.P.No.24377/2007 as confirmed in the W.A.No.782/2010 and in W.P.No.27217/2017, dt. 19.09.2017 reported in 2018 (2) ALD page 282 as illegal, void and contrary to the Articles 14 and 21 of the Constitution of India and further direct the respondents to regularize the services of the petitioners in the existing vacancies from the date of completion of 10 years of service in terms of judgment in W.P.No.24377/2007 as confirmed in W.A.No.782/2010 and as per the orders in W.P.No.27217/2017, dt. 19.09.2017 reported in 2018 (2) ALD Page 282 and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case."**

Heard Sri P.Raghavender Reddy, learned counsel appearing for the petitioners, learned Government Pleader for Services appearing for respondent Nos.1 to 3 and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.4.

It is the case of the petitioners that initially, they were appointed as NMRs in the 4th respondent-Municipality during

the year 1991 and they are working as such to the best satisfaction of their superiors, for more than two and half decades. But, the respondents are not considering their cases for regularization on the ground that they have not completed five years of service in terms of G.O.Ms.No.212, dated 22.4.1994.

Learned counsel appearing for the petitioners submits that in *State of Karnataka vs. Uma Devi,* the Apex Court held that the persons, who have completed more than 10 years of service, are entitled to be regularized; that in fact the 4th respondent has submitted proposals to consider the case of the petitioners for regularization of their services to the District Collector, Rangareddy District, Hyderabad, on 27.09.2016, who in turn, submitted the same to the 3rd respondent, but so far, no orders have been passed on the said proposals.

Learned Government Pleader appearing for the respondents submits that in the aforesaid decision, it was categorically held that the persons, who are continued on their own, without intervention of Court orders, are entitled for regularization. But in the instant case, the respondents must verify as to whether the petitioners are continued on their own or by virtue of Court orders, and therefore, appropriate orders

be passed by taking into consideration the proposals submitted by the 4th respondent.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the official respondents to consider the proposals submitted by the 4th respondent on 27.09.2016.

Accordingly, the Writ Petition is disposed of directing the official respondents to consider the proposals submitted by the 4th respondent on 27.09.2016 and pass appropriate orders thereon within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

15th December, 2018
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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते