

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45707 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 that the action of the respondents in regularizing the petitioners services prospectively from the date of issue of orders instead of retrospective regularization w.e.f. 25.11.1993 for purpose of pensionary benefits is illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents to regularize the services of the petitioners retrospectively w.e.f. 25.11.1993 by counting daily wage service rendered by the petitioners prior to his regularization for the purpose of fixation of pension and pensionary benefits as held by the Hon'ble Apex Court in Civil Appeal No.6318/2015, dt.17.8.2015 as followed by this Hon'ble Court in W.P.No.33936 of 2011 and batch dated 2.5.2018 reported in 2018 (4) ALT page 6 and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioners submits that initially, the petitioners were appointed as NMRs in the year 1987 in the 4th respondent-Municipality and have been discharging their duties to the best satisfaction of their superiors; that they are entitled for regularization of their services in terms of G.O.Ms.No.212, dated 24.04.1994 as they have completed more than 5 years as on 25.11.1993, but the respondents instead of regularizing their services with effect from 25.11.1993, regularized their services with effect from 21.04.2009; that the issue involved in the writ petition is

squarely covered by the judgment of the Apex Court in Civil Appeal No.6318 of 2015, dated 17.8.2015, which was followed by this Court in W.P.No.33936 of 2011 and batch dated 2.5.2018 and that appropriate orders be passed directing the respondents to regularize the services of the petitioners with retrospective effect from 25.11.1993 in stead of 21.04.2009.

Learned Government Pleader appearing for the respondents contends that case of the petitioners will be considered in terms of the judgment of the Apex Court in Civil Appeal No.6318 of 2015, dated 17.8.2015 and appropriate orders will be passed.

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 respondents to consider the case of the petitioners for regularization of their services with retrospective effect from 25.11.1993 in terms of the Judgment reported in Civil Appeal No.6318 of 2015, dated 17.8.2015, which was followed by this Court in W.P.No.33936 of 2011 and batch dated 2.5.2018 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

15th December, 2018
rkk

