

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.181 OF 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in not regularizing the services of the petitioner as void, illegal, arbitrary, discriminatory and unconstitutional. A consequential direction is also sought to the respondents to regularize the services of the petitioner as per law laid down by the Hon'ble Supreme Court of India as well as the orders passed by this Court in W.P.No.36805 of 2018, dated 11.10.2018.

Heard Sri S.Jagadish, learned counsel for the petitioner and learned Government Pleader for Services-III, for respondents.

It has been contended by the petitioner that he was initially appointed as NMR Public Health Worker in the respondent No.1-Municipality on 13.2.1989 and the respondents were pleased to grant the minimum time scale of pay to him after completion of five years of service vide proceedings dated 25.12.1995. The grievance of the petitioner is that though he has rendered more than three decades of service, the respondents are not considering his case for regularization of his services. Therefore, he filed the representation on 28.7.2012 in this regard, but no orders have been passed on the said representation till today.

Learned counsel for the petitioner has contended that as per the law laid down by the Hon'ble Supreme Court in the case of

State of Karnataka Vs. U.Uma Devi¹, the case of the petitioner deserves to be considered for regularization of services. He further contended that the respondent No.1 had submitted proposals to the respondent Nos. 3 and 4 for regularization of the services of the petitioner, but the respondents 3 and 4 are not passing any orders on the proposals submitted by the respondent No.1 and contended that appropriate orders be passed in the writ petition directing the respondents to regularize the services of the petitioner in terms of the law laid down by the Hon'ble Supreme Court cited supra, within a reasonable time.

Learned Government Pleader appearing for the respondents has contended that the case of the petitioner will be considered as and when a sanctioned post is available in the Municipality and appropriate orders would be passed on the representation submitted by the petitioner.

This Court, having considered the rival submissions of the parties, is of the considered view that the petitioner is entitled for consideration of regularization of his services, since he has been working more than three decades in the respondent No.1- Municipality, this writ petition can be disposed of directing the respondents to consider the representation of the petitioner dated 28.7.2012 for regularization of his services.

This writ petition is disposed of accordingly, directing the respondents to consider the representation of petitioner dated 28.7.2012 for regularization of his services, by duly taking into account the law laid down by the Hon'ble Supreme Court in the

¹ (2006) 4 SCC 1

case of ***State of Karnataka Vs. U.Uma Devi*** and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 04/01/2018
slk

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