

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.942 of 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the case of petitioner in the existing vacancy of last grade post as per G.O.Ms.No.212, dated 22.04.1994 from the date of his eligibility on completion of his five years service from the initial date of his appointment as illegal and arbitrary and sought a consequential direction to the respondents to regularize the services of petitioner in the last grade post in the respondent Department from the date of his eligibility on completion of five years with all consequential benefits by applying the principle laid down in the judgment of the Hon'ble Supreme Court in C.A.No.6318 of 2015, dated 17.08.2015.

Heard Mr.Ch.Ganesh, learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Rural Development for respondents 1 and 3, learned Government Pleader for Finance and Planning for 2nd respondent and Mr.G.Narender Reddy, learned Standing Counsel for 4th respondent.

It has been contended by the petitioner that he was appointed as a Sweeper in the year 1986 and since the date of his appointment till date, he has been continuously discharging his duties without any complaint. It is stated that the State Government has taken a policy decision in G.O.Ms.No.212, dated 22.04.1994 to regularize the services of daily wage workers and temporary workers, who have completed five years of service as on 25.11.1993. The petitioner fulfils all the conditions set out in G.O.Ms.No.212, dated 22.04.1994, but the respondents have not regularized his

services in terms of the above said G.O. Though he has been discharging his duties for more than three decades, without any complaint, the respondents have not regularized his services. The petitioner has submitted a representation to the respondents on 02.07.2018, but so far, the respondents have not passed any orders.

Learned counsel for petitioner further contended that the Hon'ble Supreme Court in C.A.No.6318 of 2015 dated 17.08.2015 has directed regularization of services of employees of Municipal Corporation from the date of completion of five years of service with retrospective effect. The case of the petitioner is also identical and therefore, the case of petitioner deserves to be considered for regularization in terms of G.O.Ms.No.212, dated 22.04.1994.

Learned Government Pleader as well as the learned Standing Counsel submit that the representation submitted by the petitioner on 02.07.2018 will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 02.07.2018 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 accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

23-01-2019

Prv

