

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1383 of 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the cases of petitioners for regularization of their services as illegal and arbitrary and sought a consequential direction to the respondents to regularize the services of petitioners in the last grade posts from the date of their eligibility on completion of initial five years service with all consequential monetary benefits including arrears by applying the principle laid down in ***State of Karnataka Vs Umadevi*** (2006 (4) SCC 1) and the orders of this Court in W.P.No.20726 of 2010 dated 29.12. 2016 and W.P.No.33936 of 2011 and batch dated 02.05.2018.

Heard Mr.Ch.Ganesh, learned counsel for petitioners, the learned Government Pleader for Services-II and Mr.G.Narender Reddy, learned Standing Counsel for 4th respondent.

It has been contended by petitioners that they are working as Sweepers since 1984 without any complaint. The grievance of petitioners is that even though they have completed more three decades of service, the respondents are not regularizing their services as Sweepers. The respondents are bound to consider the cases of petitioners for regularization by applying the principle laid down in ***State of Karnataka Vs Umadevi*** (2006 (4) SCC 1) and the orders of this Court in W.P.No.20726 of 2010 dated 29.12.2016 and W.P.No.33936 of 2011 and batch dated 02.05.2018.

Learned counsel for petitioners contended that though the petitioners were appointed initially as part time Sweepers the nature of duties performed by them is that of full time Sweepers and to that effect, the High Power Committee was constituted and the High Power Committee has recommended the cases of petitioners for regularization way back in October, 1996. In spite of recommendations made by the High Power Committee, the respondents are not considering the cases of petitioners for regularization of services. Therefore, the counsel for petitioners contended that appropriate orders be passed directing the respondents to consider the cases of petitioners for regularization of their services as Sweepers.

Learned Government Pleader appearing for respondents has contended that the cases of the petitioners will be considered and appropriate orders would be passed in accordance with law.

Learned Standing Counsel appearing for 4th respondent contended that the petitioners are not regular employees and they are working only as part-time Sweepers and therefore, they are not entitled for regularisation of services. The High Power Committee never recommended the cases of petitioners for regularisation and therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the petitioners to submit a fresh representation within two weeks from today seeking regularization of their services. Upon such representation being received, the respondents are directed to

pass appropriate orders, by duly taking into account the fact that the petitioners have been discharging their duties as Sweepers since 1984 without any break and also in terms of the judgment rendered by the Hon'ble Supreme Court in ***State of Karnataka Vs Umadevi*** (2006 (4) SCC 1) and the orders of this Court in W.P.No.20726 of 2010 dated 29.12.2016 and W.P.No.33936 of 2011 and batch dated 02.05.2018 within six weeks thereafter.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

28-01-2019
Prv

