

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1474 of 2019

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 declaring the action of the respondents in not regularizing the services of the petitioners as per G.O.Ms.No.212, dated 22.04.1994, while regularizing the services of the similarly situated NMRs vide G.O.Rt.No.792, dated 17.09.2018, issued by the 1st respondent as void, illegal, arbitrary, discriminatory, unconstitutional and consequently direct the respondents to regularize the services of the petitioners as Sweepers as per G.O.Ms.No.212, dated 22.04.1994 as per the proposals made by the 5th respondent, dated 05.02.2015 w.e.f the date of completion of 5 years of service as NMR under control of the 5th respondent by taking into consideration of the orders passed in writ petitions in W.P.No.33936 of 2011 and batch, dated 02.05. 2018 and to pass such other order or orders as this Hon'ble court may deems fit, just and proper in the circumstances of the case.”

Heard learned counsel appearing for the parties.

It is the case of the petitioners that they were appointed as NMR Sweepers on 25.6.1988 in the 5th respondent-Municipality and they had completed more than 5 years of service and are fully eligible and qualified to be regularized in terms of G.O.Ms.No.212, dated 22.04.1994.

The grievance of the petitioners is that though they have completed more than 30 years of service, their cases are not being considered for regularization.

Learned counsel appearing for the petitioners submits that the 5th respondent has sent proposals to the 1st respondent on 5.2.2015, but so far, no orders have been passed by the 1st respondent and that in similar circumstances, this Court disposed of W.P.No.39548 of 2018 on 02.11.2018, directing the respondents therein to regularize the services of petitioners therein by duly taking into account the judgment rendered by the Apex Court in *B.Srinivasulu v. Nellore Municipal Corporation* {Civil Appeal No.6318 of 2015, dated 17.08.2015} and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of said order and that since the petitioners are also similarly situated persons, this writ petition can be disposed of directing the respondents to regularize the services of petitioners in terms of the order passed in W.P.No.39548 of 2018, dated 02.11.2018.

Learned Government Pleader appearing for respondents contend that the cases of the petitioners would be considered in terms of G.O.Ms.No.212, dated 22.04.1994.

This Court, having considered the rival submissions of the parties, is of the view that this writ petition can be disposed of directing the 1st respondent to pass appropriate

orders on the proposals submitted by the 5th respondent on 5.2.2015, by duly taking into account the judgment of the Apex Court in *B.Srinivasulu v. Nellore Municipal Corporation* {Civil Appeal No.6318 of 2015, dated 17.08.2015} and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018, within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th January, 2018
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