

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1533 of 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an order or direction more particularly one in the nature of Writ of Mandamus to declare the in action of the respondents in not regularizing their services as highly illegal, unconstitutional, unjust, unfair, totally arbitrary, prays to direct the respondents herein to regularize the services of the petitioners in the last grade posts from the date of their eligibility on completion of their initial 5 years service forth with all consequential monetary benefits including arrears as per principle laid by Hon'ble Supreme Court in Civil Appeal No. 6318 of 2015 (Arising out of SLP (C) No.12432/2014, dt 17.08.2015, in the case of B.Srinivasulu Vs The Nellore Municipal Corporation applying the Hon'ble Supreme Court judgment reported in 2006 (4) SCC 1, in the case of State of Karnataka Vs Umadevi followed by this Hon'ble Court in W.P.No 20726 of 2010, dt 29.12.2016 and also Division Bench of this Hon'ble Court in W.P.No.33936 of 2011 and batch, dt 02.05.2018, and also prays to award exorbitant costs, as the respondents failed to fulfill their statutory obligation to regularize the services of the petitioners since nearly 3 decades and for that fix the responsibility against the concerned in the interest of justice.”

Heard Sri Ch.Ganesh, learned counsel appearing for the petitioners and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioners that initially, they were appointed as Daily Wage Field Workers during the years 1989 to 1991. While discharging their duties as such, the respondents have orally terminated their services, without following the due procedure. Challenging the same, the petitioners have approached the Labour Court by filing

I.D.No.13 of 2004 and batch. The Labour Court *vide* order dated 9.6.2006 disposed of the said I.D and batch directing the respondents therein to reinstate the petitioners with continuity of service. In pursuance thereof, the petitioners were reinstated into service and they are discharging their duties to the best satisfaction of their superiors.

The grievance of the petitioners is that though they are working from 1989 and they were reinstated into service in 2006 with continuity of service, for all purposes, their services from 1989 to till date should be treated as continuous in nature and their cases deserve to be considered for regularization of their services in terms of the judgment of the Apex Court in *State of Karnataka vs Uma Devi*¹ and also the law laid down by Division Bench of this Court in W.P.No.33936 of 2011 & batch, dated 2.5.2018.

Learned counsel appearing for the petitioners submits that though the petitioners have submitted representation to the respondents on 5th July, 2018 requesting them to consider their cases for regularization of their services in terms of judgment of the Apex Court in *State of Karnataka vs Uma Devi*, so far, no orders have been passed thereon.

Leaned Government Pleader appearing for the respondents contends that the cases of the petitioners would

¹ 2006(4)SCC (1)

be considered and appropriate orders would be passed on the representation submitted by the petitioners.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the representation submitted by the petitioners.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation dated 5.7.2018 submitted by the petitioners and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous applications, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th January, 2019
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