

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1682 OF 2019

ORDER :

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in not taking any steps for regular absorption of the petitioner since 18 long years inspite of possessing all the statutory requisite qualifications and eligibilities to hold the post of Librarian Grade-III as per the statutory rules, as illegal, unconstitutional, unjust and unfair and sought for a consequential direction to direct the respondents to absorb the petitioner in the regular post of Librarian Grade III in respondent Zilla Grandhalaya Samstha as per Rule 5 Note II of G.O.Ms.No.674 dated 21.03.1967 on completion of initial 5 years service with all consequential monetary benefits including arrears of pay and seniority as per the principle laid by the Hon'ble Supreme Court in Civil Appeal No.6318 of 2015 (Arising out of SLP (C) No.12432/2014) dated 17.08.2015 and as per final orders of APAT in O.A.No.2402/2016 and batch with corrigendum orders dated 16.10.2017.

Heard Sri Ch.Ganesh, learned counsel for the petitioner and learned Government Pleader for Services-I.

It has been contended by the petitioner that he was initially appointed as a contingent Librarian in the 4th respondent organisation during 1998 and he has been discharging his duties without any complaint. The grievance of the petitioner is that though he is fully eligible and qualified for regularisation of services as Librarian Grade III and has rendered more than 20

years of service, the respondents are not considering his case for regularisation of his services.

Learned counsel for the petitioner contends that Hon'ble Supreme Court in ***State of Karnataka vs. Uma Devi***¹ categorically held that the State and their instrumentalities have to frame a scheme, as one time measure for regularisation of services of persons who have rendered more than 10 years of service. He further submits that in the instant case, the respondents have not framed any scheme for regularisation of services of the petitioner even though he has rendered 20 years of service. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for regularisation of his services in terms of the law laid down by the Apex Court in ***Uma Devi***'s case stated supra.

Learned Government Pleader for respondents submits that the case of the petitioner would be considered in terms of the law laid down by the Apex Court in ***Uma Devi***'s case stated supra and appropriate orders would be passed.

This Court, having considered the rival submissions of both the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for regularisation of his services as Librarian Grade III in view of the law laid down by the Apex Court in ***Uma Devi***'s case stated supra and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of copy of this order.

¹ 2006 (4) SCC 1

With the above observations, the writ petition is disposed of.
There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 30.01.2019
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