

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.1718 & 1720 OF 2019

COMMON ORDER:

Since the issue involved in these two writ petitions is one and the same, these writ petitions are being disposed of by way of this common order.

These writ petitions are filed seeking Writ of MANDAMUS directing the respondents to declare the services of the petitioners as permanent, as per the definition under Clause 3(1) (PERMANENT) of the Certified Standing Orders of the respondents, and to extend the pay scales of the permanent workmen to the petitioners, in view of more than two decades of long and meritorious services rendered by them, on the principles laid down by the Hon'ble Supreme Court of India in **State of Karnataka and others vs. Umadevi**¹ and fix the pay scales and other allowances attached thereto on par with the permanent workers as per the judgement rendered by the Hon'ble Supreme Court in **State of Punjab and others vs. Jagjit Singh and others**².

Heard learned counsel for the parties.

It has been contended by the petitioners that they are employed with the respondents as casual labour during 1991 to 1993 and since then they have been discharging their duties to the best satisfaction of their superiors and everyone concerned. The grievance of the petitioners is that though they have rendered more than two decades of service, the

¹ AIR 2006 SC page 1806

² 2017 (1) SCC page 148

respondents are not considering their cases for permanent absorption and also not paying the regular pay scale attached to the post in which they are working.

Therefore, counsel for the petitioners submits that appropriate orders be passed in these writ petitions directing the respondents to consider the cases of the petitioners for permanent absorption by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **State of Karnataka vs. Umadevi** (1 supra) and also further direct the respondents to extend the pay scale and other allowances attached to the post held by the petitioners by taking into account the judgment rendered by the Hon'ble Supreme Court in **State of Punjab and others vs. Jagjit Singh** (2 supra).

Standing Counsel appearing for the respondents had contended that the cases of the petitioners would be considered in terms of the judgments referred supra and appropriate orders would be passed in accordance with law.

This Court, having considered the submissions of learned counsel for the parties, is of the considered view that these writ petitions can be disposed of directing the respondents to consider the cases of the petitioners for permanent absorption in terms of the law laid down by the Hon'ble Supreme Court in **State of Karnataka vs. Umadevi** (1 supra) and also to consider the cases of the petitioners for granting regular pay scales attached to the post held by the petitioners, as per the judgment rendered by the Hon'ble Supreme Court in **State of Punjab and others**

vs. **Jagjit Singh and others** (2 supra) and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, these writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th August 2019
v v

