

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3755 of 2019

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioners submits that the issue raised in this writ petition is squarely covered by the judgment dated 30.01.2019 in W.P.No.47828 of 2018 and contends that the present writ petition be allowed in terms of the above said judgment.

Learned counsel for the petitioners submits that the petitioners are all working as Sweepers since 1970s and 1980s and the petitioners are aggrieved by the action of the respondents in not regularising their services as Sweepers in terms of G.O.Ms.No.212, dated 22.04.1994 by duly taking into account the judgment rendered by the Hon'ble Supreme Court in B. SRINIVASULU v. NELLORE MUNICIPAL CORPORATION in Civil Appeal No.6318 of 2015, dated 17.08.2015, and also the orders passed in W.P.No.33936 of 2011 and batch, dated 02.05.2018. The learned counsel, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for regularisation of their services as Sweepers in terms of the judgment dated 30.01.2019 in W.P.No.47828 of 2018 and also in terms of the orders issued in G.O.Ms.No.212, dated 22.04.1994.

The learned Government Pleader for Services appearing for the respondents, in principle, has not disputed about the applicability of judgment dated 30.01.2019 rendered by this Court in W.P.No.47828 of 2018, however, he has pointed out that petitioner No.6 is aged about 65 years and hence his case cannot be considered for regularisation of services as he has attained the age of superannuation and contends that the writ petition as against the said petitioner may be dismissed, while allowing the writ petition in respect of other petitioners.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that since all the petitioners are working with the respondents since 1970s and 1980s and they are fully eligible and qualified for regularization of their services in terms of G.O.Ms.No.212, dated 22.04.1994, the contention of the learned Government Pleader that the above said petitioner i.e., petitioner No.6 has attained the age of superannuation and hence he is not entitled for regularisation of services cannot be accepted as legally sustainable, because of inaction of the respondents to apply the terms of G.O.Ms.No.212, dated 22.04.1994 in respect of said writ petitioner i.e., petitioner No.6, though the said G.O. was issued way back in 1994, the services of the said writ petitioner could not be regularised. Therefore, the writ petition can be disposed of directing the respondents to

consider the cases of all the petitioners, including petitioner No.6, for regularisation of their services as Sweepers, irrespective of the fact that the petitioners have crossed the age of 60 years or below the age of 60 years, strictly in terms of G.O.Ms.No.212, dated 22.04.1994 and also by taking into account the judgment rendered by the Hon'ble Supreme Court in B. SRINIVASULU's case (supra) and also the orders passed in W.P.No.33936 of 2011 and batch, dated 02.05.2018. It is made clear that the whole exercise shall be completed within a reasonable period, preferably within a period of three (3) months from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

25.02.2019.

Prv

