

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6117 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ of mandamus to declare the action of the respondents in converting the petitioner's services from full time contingent employee to outsourcing employee without issuing any notice and not paying the Minimum Time Scale of Pay attached to the post of Cook as arbitrary, illegal and discriminative in nature and sought a consequential direction to the 3rd respondent to pay the Minimum Time Scale of Pay attached to the post of Cook and restore him as employee of the 3rd respondent.

3. Heard Sri G.Ravi Mohan, Counsel for the petitioner and the Government Pleader for Social Welfare for the respondents.

4. It has been contended by the petitioner that he was initially appointed as a Security Guard on 20.07.1984 in the office of Assistant BC Welfare Officer, Jogipet, Sanga Reddy District, on daily wage basis. Thereafter, during 2006, his services were converted from full time contingent employee to outsourcing employee and that presently, he is working as Watchman in the office of the 3rd respondent.

5. The grievance of the petitioner is that he is discharging his duties as a Watchman in the office of the 3rd respondent, but during the course of employment, the respondents are not paying the Minimum Time Scale of Pay attached to the post of Cook.

6. The petitioner further contends that he has submitted a representation to respondents 2 & 3, dated 21.12.2018, requesting them to extend Minimum Time Scale of Pay attached to the post of Cook in terms of the judgment rendered by the Hon'ble Supreme Court in **State of Punjab & others v. Jagjit Singh and others**¹.

7. Counsel for the petitioner submits that the respondents are neither considering the representation of the petitioner, dated 21.12.2018, nor extending the Minimum Time Scale of Pay attached to the post of Cook to the petitioner. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation of the petitioner, dated 21.12.2018, and further direct the respondents to extend Minimum Time Scale of Pay attached to the post of Cook.

8. Government Pleader appearing for the respondents had contended that the case of the petitioner would be considered by the respondents and appropriate orders would be passed on the representation submitted by the petitioner on 21.12.2018, in accordance with law.

9. This Court, having considered the rival submissions made by both the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 21.12.2018 and pass appropriate orders, in accordance with law, within a period of four (04) weeks from the date of receipt of a copy of this order.

¹ (2017) 1 SCC 148

10. With the above observations, the Writ Petition is disposed of.
There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 27th March, 2019

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