

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.3090 of 2017

ORDER:

This writ petition is filed seeking the following reliefs:

- “(a) To declare the services of the Applicant as regularized in the category of Class-IV and treat him as regular Hostel Welfare Officer Grade-II with effect from 28-3-2006, the day on which he has completed three years of service in Class-IV category;*
- (b) To declare the probation of the Applicant in the category of Hostel Welfare Officer Grade-II with all consequential benefits;*
- (c) To direct the Respondents to promote the Applicant as Hostel Welfare Officer Grade-I, keeping in view his length of service as Hostel Welfare Officer Grade-II in the teeth of the policy decision of the Government in G.O.Ms.No.42 Deptt. for Women, Children, Disabled and Senior Citizen (DW), dated 19.10.2011, r/w.G.O.Ms.No.99 General Administration (services-D) Department, dated 04.03.2013;*
- (d) Consequently set aside the impugned proceedings Rc.No.A1/338/2014, dated 06.11.2014 issued by the 3rd Respondent and promote the Applicant as Hostel Welfare Officer Grade-I from the due date with all consequential benefits by fixing his pay and by holding the action of the Respondents in denying the legitimate rights of the Applicant as bad, illegal, arbitrary, discriminatory and unconstitutional and pass such other order or orders.”*

2. Heard learned counsel for the parties.

3. Counsel for petitioner has informed the Court that the services of petitioner in the cadre of Hostel Welfare Officer Grade-II have been

regularized vide proceedings dated nil, August 2019 and the only grievance of the petitioner is that his case has to be considered for the next higher post as per Rules.

4. The Government Pleader appearing for respondents has contended that the case of the petitioner for the next higher post of Hostel Welfare Officer Grade-I will be considered in accordance with Rules as and when the respondents fill up the vacancies.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the grievance of the petitioner in respect of regularization in the cadre of Hostel Welfare Officer Grade-II has been resolved during the pendency of the writ petition and the only issue that remains is in respect of promoting the petitioner to the post of Hostel Welfare Officer Grade-I. Therefore, respondents are directed to consider the case of the petitioner for promotion to the post of Hostel Welfare Officer Grade-I in the quota meant for visually handicapped category, in accordance with Rules and pass appropriate orders within Eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

28th October, 2019

ajr