

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6615 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the counsel.

2. This Writ Petition is filed seeking Writ of Mandamus declaring the action of respondents in not considering the cases of the petitioners for their absorption as Home Guards with similarly situated persons in the Home Department as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and sought consequential direction to direct the respondents to absorb the petitioners as Home Guards in Home Department immediately.

3. Heard Sri M.Srikanth, learned counsel for the petitioners and the learned Government Pleader for Home appearing for the respondents.

4. It has been contended by the petitioners that they have been selected as Firemen on outsourcing basis during the period 2008-15 and they have been discharging their duties to the best satisfaction of the superiors and everyone concerned. While petitioners were discharging their duties as Fireman, the State Government issued G.O.Ms.No.20, dated 20-02-2016 to absorb Firemen as Home Guards in the existing vacancies and some of the Firemen were already absorbed as Home Guards. The grievance of the petitioners is that the persons who are juniors to the petitioners

were absorbed as Home Guards but the cases of the petitioners have not been considered for absorption as Home Guards in terms of G.O.Ms.No.20, dated 20-02-2016 and also G.O.Ms.No.35, dated 03-03-2017.

5. Learned counsel for the petitioners submits that appropriate orders be passed in the Writ Petition directing the respondents to consider the cases of the petitioners for absorption as Home Guards as it was done in the case of other Firemen.

6. Learned Government Pleader for Home appearing for the respondents submits that cases of the petitioners would be considered and appropriate orders would be passed in accordance with law.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Writ Petition can be disposed of directing the petitioners to submit fresh representation within two weeks from the date of receipt of a copy of this order and upon such representation being received, respondents shall consider and pass appropriate orders in accordance with law in another four weeks thereafter.

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

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 28-03-2019
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