

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7059 of 2019

ORDER:

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

This writ petition is filed seeking the following relief :-

“....to issue an order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in not regularizing the services of the petitioners even after exhaust of all their life energies youth since 3 decades in continuing them in contingent establishment in spite of 80% regular vacancies as unjust, arbitrary, unfair and prays to direct the respondents herein to regularize the services of the petitioners in the last grade posts of Attender/ Watchman, based on the principle laid by the Hon'ble Supreme Court in Umadevi's case reported in 2006(4) SCC (1) on completion of their 10 years service with all consequential monetary benefits”.

Heard Mr.Ch.Ganesh, learned counsel for petitioners and the learned Government Pleader for Services-II.

It has been contended by the petitioners that they are working with the respondents on contingent basis for the last more than thirty years.

The grievance of the petitioners is that though they are working for more than three decades, the respondents are not taking steps to regularize their services.

Learned counsel for petitioners has contended that the Hon'ble Supreme Court in the *State of Karnataka Vs. Uma Devi*¹ directed the employers to formulate a scheme to regularise the services of employees, who have been discharging their duties continuously without any break for more than ten years. Though

¹ 2006 (4) SCC 1

the Supreme Court has directed the employers to frame a scheme for regularising the services of employees, who are working on temporary basis for more than ten years, the respondents are not considering the cases of petitioners.

Learned counsel for petitioners has contended that similar issue fell for consideration before this Court in W.P.No.20726 of 2010 and this Court vide order dated 29.12.2016 disposed of the said writ petition directing the respondents therein to formulate a scheme for regularizing the services in terms of the aforesaid judgment rendered by the Hon'ble Supreme Court. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for regularizing their services in terms of the order dated 29.12.2016 in W.P.No.20726 of 2010 and also the aforesaid judgment of the Hon'ble Supreme Court and pass appropriate orders.

Learned Government Pleader appearing for respondents has contended that the cases of the petitioners would be considered in terms of the order dated 29.12.2016 in W.P.No.20726 of 2010 and also the aforesaid judgment of the Hon'ble Supreme Court and appropriate orders would be passed, if the petitioners submit fresh representation before the respondents.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the petitioners to submit fresh representation before the respondents seeking regularization of their services in terms of the order dated 29.12.2016 in W.P.No.20726 of 2010 and also the aforesaid judgment of the Hon'ble Supreme Court within two weeks from the date of receipt of a copy of this order. Upon such

representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 03-04-2019
Prv



