

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7207 of 2019

ORDER

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 in action of the respondents herein in not regularizing the services of the petitioner based on the principle laid down by the Honble Supreme Court in *State of Karnataka and ors vs.Umadevi*¹ and not passing orders to regularize services of petitioners, since nearly 10 years causing severe harm and financial loss to the petitioners, as highly illegal, unjust, unfair and unconstitutional and sought consequential direction to direct the respondents herein to regularize services of the petitioners by applying the principle laid down by the Honble Supreme Court in *Umadevi's case* (cited supra) to regularize the services of the petitioners”

2. Heard Sri Ch.Ganesh, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

3. The grievance of the petitioner is that though they were appointed during the years 1989 as contingent employee in the respondent-Department and has put in nearly ten years of service, the respondents are not regularizing her services and also not extending the regular pay scale attached to the post.

¹ 2006(4) SCC (1)

4. Learned counsel appearing for the petitioner submits that the Apex Court in *State of Karnataka and ors vs. Umadevi*² has held that the employer has to consider the cases of the employees who have completed more than 10 years of service for regularization of their services and they must frame a scheme for regularization of their services; 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 same directing the respondents therein to consider the cases of the petitioners for regularization, if necessary, by examining the requirement to formulate a scheme as directed by the Supreme Court in **Umadevi's case (supra)** and such exercise shall be completed and decision to this extent shall be taken as expeditiously as possible, preferably, within a period of two months from the date of receipt of copy of this order; and therefore, appropriate orders be passed in this Writ Petition also by directing the respondents to consider the case of the petitioner for regularization of her services in terms of the judgment rendered by the Apex Court in *Umadevi's case* (cited supra).

5. Learned Government Pleader appearing for the respondents submits that the cases of the petitioner would be considered in terms of the judgment of the Apex Court in *Umadevi's case* (cited supra), in accordance with law.

² 2006(4) SCC (1)

6. Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same in terms of the judgment of the Apex Court in *Umadevi's case* (cited supra) and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter. No costs.

7. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 04-04-2019
kvr

