

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7249 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 1st respondent herein not regularizing the services of the petitioners, as per proposals dated 09-07-2009 and 30-05-2009, submitted by the respondent-society for regularization of non-teaching staff on the lines of regularizing services of 400 teaching staff of the respondent-society by converging them from outsourcing to contract and thereby sending proposals for their regularization on par with the others as per resolution dated 07-09-2010 passed as Agenda Item No.VIII of the 19th board of governance of respondent-society since 9 long years even after exhaust of all their life energies, youth in awaiting regularization since nearly three decades is highly illegal unjust unfair totally discriminatory unconstitutional in ill treating non-teaching staff while favouring teaching staff in regularizing their services and prays to direct the respondents herein to convert the petitioners Nos. 6 to 37 into contract and thereafter to submit proposals for regularization of the services of all the petitioners herein as per the Resolution No VIII dated 7-9-2010 of the Board of Governance of respondent society to grant the retrospective regularization with effect from May 2008 on par with teaching staff with all consequential monetary benefits including seniority in their respective cadre and award exorbitant costs for forcing the petitioners to approach this Honble Court for justice.”

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

3. The grievance of the petitioners is that though they were appointed during the years 1999 to 2004 as contingent employees in the respondent-Department and have put in more than two decades of service, the respondents are not regularizing their services and also not extending the regular pay scale attached to the post.

4. Learned counsel appearing for the petitioners submits that the Apex Court in *State of Karnataka and ors vs.Umadevi*¹ 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 that appropriate orders be passed directing the respondents to consider the cases of the petitioners for

¹ 2006(4) SCC (1)

regularization of their 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 petitioners would be considered in terms of the judgment of the Apex Court in *Umadevi's case* (cited supra), in accordance with law.

6. Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioners 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

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