

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.(TR)No.6395 OF 2017

ORDER

This writ petition is filed seeking the following relief:

“to declare the entire action of the respondents, particularly the entire action of 1st respondent in not regularizing the service of the applicants from the date of completion of their 5 years of service as per law laid down by the Hon'ble Apex Court in its judgment decided in *District Collector/Chairman and others vs M.L.Singh* reported in 2009 (8) SCC 840 including latest judgment in Spl Leave to Appeal (C) Nos. 12432/2014 dated 17.08.2015 of the Hon'ble Apex Court and latest orders dated 2.3.2016 in O.A.No. 9268/2012 as highly illegal, arbitrary, unjust, improper discriminatory, violative of Articles 14, 16 and 21 of the Constitution of India as well as contrary to the above judicial pronouncements in the subject matter and regularizing their services *vide* G.O.Rt.No.295, SW (Ser.1.1) Dept, dated 17.04.2013 with prospective effect is bad in law and consequently to direct the respondents to regularize the service of the applicants w.e.f dates of their completion of (5) years of daily wage service by duly counting said contingent service for all the purposes including with all consequential benefits and pass such other order or orders.”

It is the case of the petitioners that their names were sponsored by the Employment Exchange and they were appointed as Cook, Kamatee, Office Subordinate *vide* proceedings dated 25.05.1985. Since then, they are working

with the respondents and discharging their duties to the utmost satisfaction of their superiors. While so, the State Government has taken a policy decision *vide* G.O.Ms.No.212, dated 22.04.1994 to regularize the services of the employees, who are working on daily wage basis and completed five years of service as on 25.11.1993.

Learned counsel appearing for the petitioners contends that though the petitioners have completed five years of service as on 25.11.1993 as per G.O.Ms.No.212, dated 22.04.1994, their services were regularized with prospective effect *vide* G.O.Rt.No.295 SW (Ser.1.1.) Department, dated 17.4.2013. In support of his contention, he placed reliance on the judgment of the Apex Court in *District Collector/Chairman and others vs. ML Singh*¹ and also in *B.Srinivasulu and others vs. The Nellore Municipal Corporation*², wherein the Apex Court held that the employees are entitled for regularization of their services from the date of their initial appointment; and that appropriate orders be passed directing the respondents to consider the cases of the petitioners for retrospective regularization in view of the law laid down by the Apex Court in the judgments referred to *supra*.

¹ 2009(8) SCC (840)

² (SLP (C) No.12432/2014, dated 17.08.2015)

Learned Government Pleader appearing for the respondents submits that if a representation is submitted by the petitioners, their cases would be considered and appropriate orders would be passed.

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 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 and pass appropriate orders thereon, in accordance with law, within a period of eight weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th June, 2019
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