

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7733 of 2019

ORDER:

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

2. This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“... to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in not regularizing the services of the petitioner as class IV employee in terms of G.O.Ms.NO.212 dated 22-4-1994 as amended by GO Ms.No.231 Finance & planning Department dated 16-10-1998 where under cut of date is extended up to 25-11-1998 is highly illegal, arbitrary, contrary to law and violation of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to regularize the services of the petitioner as class-IV employee by paying all the attendant and consequential benefits from the date of completion of 5 years service and pass ...”

3. Heard Sri A.Malahar Rao, Counsel for the petitioner and the Government Pleader for Services-I for the respondents.

4. It has been contended by the petitioner that his father M.Lingaiah was employed as a Daily Wage worker with the respondents at Government Social Welfare Boys Hostel, Mallial, and his father expired on 08.11.1992. Thereafter, the petitioner has submitted a representation to the 3rd respondent on 11.01.1993 to consider his case to appoint him as Daily Wage worker in place of his father. The respondents have considered the case of the petitioner and he was appointed as Daily Wage worker on 20.05.1993 and ever since then, he has been discharging his duties to the satisfaction of the superiors concerned.

5. The grievance of the petitioner is that he is entitled for regularisation of his services in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994, and also G.O.Ms.No.231, Finance & Planning (F.W.WING P.C.III) Department, dated 16.10.1998, but the respondents are not considering his case for regularisation of his services in terms of the above said G.Os.

6. Counsel for the petitioner had contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for regularisation of his services in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.04.1994, and also G.O.Ms.No.231, Finance & Planning (F.W.WING P.C.III) Department, dated 16.10.1998, and pass appropriate orders, in accordance with law.

7. The Government Pleader appearing for the respondents had contended that since the petitioner has not submitted a representation, let the petitioner submit a representation and the respondents would consider the case of the petitioner and appropriate orders would be passed on the representation likely to be submitted by the petitioner.

8. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation within a period of one (01) week from the date of receipt of a copy of this order and upon such a representation being received, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of eight (08) weeks from the date of receipt of such representation.

9. With the above observations, the Writ Petition is disposed of.
There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 12th April, 2019

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Date: 12th April, 2019