

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8286 of 2019

ORDER:

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

This writ petition is filed seeking a writ of Mandamus to declare the action of respondent Nos.2 to 5 in not paying back wages and regularizing the service during suspension period from 26.01.2017 to 13.03.2018, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and sought a consequential direction to the respondents to pay back wages and regularize the service during suspension period from 26.01.2017 to 13.03.2018.

Heard Sri A. Narasimha Rao, learned counsel for the petitioner and learned Government Pleader for Medical and Health.

It has been contended by the petitioner that she is initially appointed as Multipurpose Health Assistant with the respondents during 1991 and that she has been discharging duties to the best satisfaction of her superiors and every one concerned. The petitioner further submits that while she was working as ANM, the respondents have terminated her services by proceedings, dated 09.06.2017, without conducting any regular enquiry and without giving any opportunity. The petitioner has challenged the said termination orders by filing W.P.No.28072 of 2017 and this Court was pleased to allow the said writ petition on 21.09.2017 and set aside that termination

order granting liberty to the respondents to proceed with the disciplinary action after following the procedure. Thereafter, the petitioner was reinstated into service. The grievance of the petitioner is that the respondents are not regularizing the period from 26.01.2017 to 13.03.2018 and the petitioner has submitted a representation to the respondents on 04.06.2018 requesting the respondents to regularize the gap period from 26.01.2017 to 13.03.2018 and also pay salary for the said period.

Learned counsel for the petitioner contends that the respondents are not passing any orders on the representation or regularizing the gap period. Therefore, the counsel for the petitioner contends appropriate orders be passed directing the respondents to regularize the gap period from 26.01.2017 to 13.03.2018 and to pay salary to the petitioner for the said period.

Learned Government Pleader appearing for the respondents had contended that the case of the petitioner would be considered and appropriate orders would be passed on the representation submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing respondent No.5 to consider the representation submitted by the petitioner on 04.06.2018 and pass appropriate orders, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

18th April 2019

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