

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8282 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 declaring the action of the respondents in not regularizing the services of the petitioner, though he has completed 28 years of service in the 3rd respondent College, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and contrary to the law laid down by the Hon'ble Supreme Court in **Secretary, State of Karnataka and others v. Umadevi and others**¹ and sought a consequential direction to direct the respondents to regularize the services of the petitioner notionally with all consequential benefits by extending the benefit of the law laid down supra, in the interests of justice.

Heard Smt.Y.L.Shivakalpana Reddy, learned counsel for the petitioner and learned Government Pleader for Education.

It has been contended by the petitioner that he was notionally appointed as Lab Attender with the 3rd respondent College during 1990 and the respondents have not regularized his services even though he has rendered more than 28 years of service and he has retired on attaining superannuation on 30.06.2018. The petitioner contends that he is not getting any pensionary benefits because of

¹ 2006 (4) SCC 1

inaction of the respondents in regularizing his services. The petitioner further contended that the Supreme Court in Secretary, State of Karnataka referred supra has held that employer should formulate a scheme for regularization in respect of irregularly appointed employees who rendered services for more than 10 years, and the petitioner submitted a representation on 18.03.2019 requesting the respondents to regularize his services retrospectively from the date of initial appointment and extend the benefits for the services rendered by him.

The counsel for the petitioner contended that the respondents are not considering the case of the petitioner nor passing any orders on the representation submitted by the petitioner. Therefore, the counsel for the petitioner contended that appropriate orders be passed directing to regularize the services of the petitioner in terms of the law laid down by the Supreme Court as stated supra.

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 made by the both parties, is of the considered view that the writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 18.03.2019 and also consider the case of the petitioner for regularization of his services by duly taking into account the judgment rendered by the Supreme Court referred supra

and pass appropriate orders within a period of eight 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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