

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9130 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. Aggrieved by the action of the 2nd respondent in not regularizing the services of the petitioners, as per the proposals submitted by 3rd respondent, the present Writ Petition is filed.

3. Heard Sri V.Jagapathi, learned counsel for the petitioners, learned Government Pleader for Services-III, appearing for 1st respondent and Sri Thimoti, learned Standing Counsel, appearing for respondent Nos.2 and 3.

4. The petitioners contend that they are all appointed as Class-IV employees during 1989 and they were paid their salaries initially on daily wage basis. Subsequently, minimum time scale of pay was extended to them with DA and HRA. They contend that though they are working for more than three decades, the respondents are not considering their cases for regularization of services. They further contend that the 3rd respondent has submitted proposals to 2nd respondent for regularization of their services but the 2nd respondent is not forwarding the same to the 1st respondent. Therefore, they contend that they deserve regularization of services in terms of the

law laid down by the Supreme Court reported in **the State of Karnataka and ors vs.Umadevi¹**.

5. Learned counsel for the petitioners contend that considering the contention of the petitioners, a direction may be issued to the respondents to consider the cases of the petitioners for regularization of their services forthwith notionally from the dates petitioners have completed ten years of service, for the purpose of counting qualifying service of the petitioners for sanction of pension and other pensionary benefits.

6. Learned Standing Counsel for respondent Nos.2 and 3 submits that the cases of the petitioners would be examined and necessary proposals would be sent to the 1st respondent, if the petitioners are in service for 30 years, within a period of two weeks and if the proposals are submitted by the 2nd respondent to the 1st respondent within a period of two weeks, then the 1st respondent shall consider and pass appropriate orders in accordance with law in another eight weeks thereafter.

7. Accordingly, the Writ Petition is disposed of directing respondent Nos.2 and 3 to send proposals to 1st respondent with regard to the regularization of services of the petitioners within a period of two weeks and the 1st respondent, on receipt of such proposals, shall consider the same and pass appropriate orders in

¹ 2006(4) SCC (1)

accordance with law, within a period of eight weeks thereafter. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 26-04-2019
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