

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION.Nos.12827, 12970, 13238
and 13322 of 2012

COMMON ORDER:

Since the issue involved in all these writ petitions is one and the same, they are being heard and disposed of together by this common order.

2. The petitioners in all these writ petitions were promoted, on appointment by transfer, from Sub Engineers to Assistant Engineers during the year 2009. The grievance of the petitioners was that the services of the contract Sub Engineers were also regularized as Assistant Engineers and the respondents have counted the contract service also for the purpose of fixing seniority. However, some of the Assistant Engineers, who were appointed by transfer, have challenged the action of the respondents in granting the benefit of counting the contract service in favour of the contract appointees. Initially, the said writ petitions were dismissed and later on, the Assistant Engineers, who were appointed by transfer, have carried the matter in appeal by way of WA.No.1104 of 2011 and batch and a Division Bench of this Court was pleased to allow the appeals vide order dated 17.09.2013. Aggrieved by the same, the matter was further carried to the Hon'ble Supreme Court by filing SLP.No.13858 of 2015 and the Supreme Court was pleased to dismiss the SLP on 23.01.2017 confirming the orders passed by the Division Bench.

3. Learned counsel appearing for the petitioners had contended that pursuant to the earlier action of the respondents, the respondents

have issued reversion orders to the petitioners and challenging the same, the present writ petitions have been filed. As the contract appointees were extended the benefit of seniority from the date of initial appointment and as the respondents were taking steps to revert the petitioners by issuing proceedings dated 23.04.2012, this Court was pleased to grant interim suspension vide order dated 09.07.2012 and by virtue of the said interlocutory orders, the petitioners are being continued as Assistant Engineers. He further contended that now that the entire issue has been resolved by a Division Bench of this Court and the same was confirmed by the Hon'ble Supreme Court by dismissing the SLP, let the respondents reconsider the case of the petitioners and fix the seniority of all Assistant Engineers strictly in terms of the law laid down by this Court in WA.No.1104 of 2011 dated 17.09.2013 and till such time, let the respondents continue the petitioners as Assistant Engineers.

4. Learned standing counsel appearing for the respondents had contended that since the entire issue has been resolved by a Division Bench of this Court, the respondents would consider the case of the petitioners and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by both parties, is of the considered view that these writ petitions can be disposed of directing the respondents to redo the entire exercise of fixing seniority of the petitioners and other Assistant Engineers strictly in terms of the law laid down by this Court in WA.No.1104 of 2011

dated 17.09.2013 and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petitions are disposed of. Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

November 25, 2019
DSK

