

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9501 OF 2019

ORDER:

This Writ Petition is filed seeking the following relief:

“...to issue an order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 1st respondent in following different yardsticks in its controlling department in converting the outsourcing employees into contract and thereby regularizing the services and ill-treating the petitioners herein even after putting nearly two decades continuous service in spite of availability of the 90% existing vacancies in the regular cadre and continuing them on outsourcing basis till to date as highly illegal, unjust, unfair, totally discriminatory, unconstitutional in ill treatment and prays to direct the respondents herein to convert the services of the petitioners from outsourcing to contract to regularize their services as Staff Nurses and in other last grade posts by applying the orders granted by this Hon'ble Court in the similarly situated case in W.P.No.7249 of 2019, passed final orders on 04.04.2019, based on the principle laid by Hon'ble Supreme Court in Umadevi's case reported in (2006)4 SCC 1 followed in the judgment in batch cases in W.P.No.18988 and batch dated 14.09.2016 in the case of *Gade Basaveswara rao and others v. Government of Andhra Pradesh and others* (2017(6) ALD 447) and pass such order or orders in the interest of justice.”

Heard Sri Ch. Ganesh, learned counsel appearing for the petitioners and learned Government Pleader for Services-II appearing for the respondents.

The grievance of the petitioners is that though they were appointed during the years 1999 to 2004 as contingent employees in the respondent-Department and have put in more than two decades of service, the respondents are not regularizing their

services and also not extending the regular pay scales attached to the post.

Learned counsel appearing for the petitioners submits that the Apex Court in **State of Karnataka and Ors. v. Umadevi**¹ has held that the employer has to consider the cases of the employees who have completed more than 10 years of service for regularization of their services and they must frame a scheme for regularization of their services; that similar issue fell for consideration before this Court in W.P.No.20726 of 2010 and this Court vide order dated 29.12.2016 disposed of the same directing the respondents therein to consider the cases of the petitioners for regularization, if necessary, by examining the requirement to formulate a scheme as directed by the Supreme Court in **Umadevi's** case (supra) and such exercise shall be completed and decision to this extent shall be taken as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order; and that appropriate orders be passed directing the respondents to consider the cases of the petitioners for regularization of their services in terms of the judgment rendered by the Apex Court in **Umadevi's** case (cited supra).

Learned Government Pleader appearing for the respondents submits that the cases of the petitioners would be considered in terms of the judgment of the Apex Court in **Umadevi's** case (cited supra), in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the petitioners to submit a representation afresh within a

¹ 2006(4) SCC 1

period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same in terms of the judgment of the Apex Court in **Umadevi's** case (cited supra) and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(**ABHINAND KUMAR SHAVILI, J**)

30th April 2019
RRB

