

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.9778 OF 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus, declaring the impugned action of respondents in not regularizing the services of the petitioner from the date of completion of 10 years of service in the existing vacancies as held by the Hon'ble Apex Court in the case of **State of Karnataka v. Uma Devi's** reported in (2006)4 SCC 1 as followed by this Hon'ble Court in W.P.No.24377/2007 as confirmed in W.A.No.782/2010 and in W.P.No.27217/2017, dated 19.09.2017, reported in 2018(2) ALD 282, as illegal, void and contrary to the Articles 14 and 21 of the Constitution of India and further direct the respondents to regularize the services of the petitioner in the existing vacancies from the date of completion of 10 years of service in terms of judgment in W.P.No.24377/2007 as confirmed in W.A.No.782/2010 and as per the orders in W.P.No.27217/2017, dated 19.09.2017, reported in 2018(2) ALD page 282.

Heard Sri J.Konda Reddy, counsel for petitioner, Government Pleader for Municipal Administration, Finance & Planning and Sri T.Chandrashekar Rao, Standing Counsel for Municipality.

It has been contended by the petitioner that he was initially appointed as Kamati with the respondents during the year 1988 and the petitioner has completed more than 5 years of service by the time the State Government has taken a policy decision to regularize all temporary employees vide

G.O.Ms.No.212, dated 22.04.1994. It is contended that the petitioner has completed 5 years of service as on the cut-off date i.e. 25.11.1993 mentioned in the said G.O. The grievance of the petitioner is that though he has completed more than 5 years of service, the respondents are not considering his case for regularization. Counsel for petitioner further contend that appropriate orders be passed in the Writ Petition directing the respondents to regularize the services of petitioner in terms of G.O.Ms.No.212, dated 22.04.1994 by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **B.Srinivasulu v. Nellore Municipal Corporation in Civil Appeal No.6318 of 2015, dated 17.08.2015** and also the orders passed in W.P.No.33936 of 2011 and batch, dated 02.05.2018 and pass appropriate orders.

The learned Government Pleader appearing for respondents submits that the case of the petitioner would be considered in terms of G.O.Ms.No.212, dated 22.04.1994 and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for regularizing his services strictly in terms of G.O.Ms.No.212, dated 22.04.1994 and also by duly taking into account the judgments referred to supra and pass appropriate orders 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.
There shall be no order as to costs. Miscellaneous petitions, if
any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

30th April 2019
RRB

