

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11016 of 2019

ORDER:

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

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondent in not regularizing our services in the post of Office Subordinates from the date of our initial appointments inspite of the law laid down by the Honble Supreme Court of India 2006 Vol IV SCC Page 1 and law laid down by the Apex Court the Honble High Court in W P No 27706 of 2011 at regularizing the services of Assistant Professors who are appointed in the year 2000 and considered similar issue in W.P.No. 22770 of 2014 directed the respondent to evolve a scheme of absorption of employees who are working for more than 10 years as on 10.4.2006 within a period of 3 months inspite of completion of 10 years of services as on 10.4.2006 and not counting the entire period of daily wage services for the purpose of pay protection pension and retirement benefits is illegal and arbitrary and violates articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioners are entitled to be regularized in the posts of Office Subordinates from the date of initial appointments with all consequential attendant benefits including counting the services from date of daily wage for the purpose of pay protection and retirement benefits and to pass.....”

Heard Sri P.V.Ramana, learned counsel for the petitioners,
learned Government Pleader for Services-I and Sri Parikshit,
learned Standing Counsel for 1st respondent.

It has been contended by the petitioners that they are working with the 1st respondent university on daily wage basis since 1990-1991 and they were discharging their duties to the best satisfaction of their superiors and everyone concerned. Petitioners further contend that they have submitted a representation to the 1st respondent requesting to regularize their services as they have put in more than 29 years of service. In pursuance to the said representation, the 1st respondent was pleased to consider the cases of the petitioners and was pleased to recommend the cases of the petitioners to 2nd respondent through letters dated 21.05.2008 and 11.09.2015, for regularization of their services as well as for granting regular time scale. But so far the 2nd respondent has not passed orders and the same are pending before the 2nd respondent for consideration.

Learned counsel for the petitioners contends that when a similar issue fell for consideration before this Court in W.P.No.22770 of 2014, this Court had directed the respondent university therein to evolve a scheme for regularization of services of employees who are working for more than 10 years in terms of the judgment rendered by the Hon'ble Supreme Court in **Secretary, State of Karnataka and Others vs. Umadevi**¹ within a period of three months.

Learned counsel for the petitioners further contend that appropriate orders be passed in the writ petition directing the respondents 2 to 4 to consider the proposals submitted by the

¹ (2006) 4 SCC 1

1st respondent vide letters dated 21.05.2008 and 11.09.2015 and pass appropriate orders duly taking into account the judgment rendered by the Hon'ble Supreme Court in **Umadevi's** case (1 supra).

Learned Government Pleader appearing for respondents 2 to 4 had contended that the cases of the petitioners would be considered by taking into account the recommendations made by the 1st respondent vide letters dated 21.05.2008 and 11.09.2015 and appropriate orders would be passed in accordance with law.

Learned Standing counsel appearing for the 1st respondent had contended that the 1st respondent had already recommended the cases of the petitioners for regularization of their services and it is for the respondents 2 to 4 to pass appropriate orders in accordance with law.

This Court, having regard to the rival submissions made by the parties, is of the considered view that this Writ Petition can be disposed of directing the respondents 2 to 4 to consider the proposals submitted by the 1st respondent and pass appropriate orders in accordance with law by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **Umadevi's** case (1 supra) and judgment of this Court in W.P.No.22770 of 2014.

With these observations, the Writ Petition is disposed of. No costs.

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

ABHINAND KUMAR SHAVILI, J

13.06.2019
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