

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25249 OF 2006

ORDER

This writ petition is filed seeking the following relief:

“to call for the records from the 2nd respondent and issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus declaring that the Office Memo in Proceedings No.Ref. BHP/PER/11-A/2234, dated 5-7-2006 and further proceedings No.BHP/PER/2006/CF-92/4166, dated 1-11-2006 issued by the 2nd respondent refusing to consider the representation submitted by the petitioner on 17-10-2006 and directing the petitioners to report for duty in Mines (Underground) and also the action of 2nd respondent in not regularizing the service of petitioners as General Mazdoor (Security Guard) Watchman as illegal, unjust, contrary to law, arbitrary in violation of Section 9-A of the Industrial Disputes Act, amounts to unfair labour practice and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to regularize the services of petitioners as General Mazdoor (Security Guard) Watchman and pass such other order or orders as deemed fit and proper under the circumstances of the case.”

This Court on 29-01-2007 in WPMP No.32327 of 2006 directed the respondents to continue the petitioners as General Mazdoor in S & PC Department, if there are vacancies available, until further orders.

Learned counsel appearing for the petitioners submits that in pursuance of the said interim order, the petitioners were continued on surface duties.

Learned Standing Counsel appearing for the respondents submits that as vacancies are available, the respondents continued the petitioners on surface duties pursuant to the interim order granted by this Court on 29-1-2007; that the petitioners have no right to continue on surface duties; and that depending upon the exigency of work, the respondents will post the petitioners by duly taking into consideration of their services.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of giving liberty to the respondents to post the petitioners as per the exigency of work. However, if the petitioners are continuing on surface duties, their services shall not be disturbed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th February, 2019
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