

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11902 of 2019

ORDER:

With the consent of both the parties, this Writ Petition is being disposed of at the admission stage.

When the matter is taken up for hearing, learned counsel for the petitioners submits that the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P.No.47828 of 2018 dated 30.01.2019 and therefore the present writ petition also be allowed in terms of the above said judgment.

Learned counsel for the petitioners submits that the petitioners are all working as cook, helper and sweeper etc., from 1983 to 1988 and the petitioners are aggrieved by the action of the respondents in not regularising their services in terms of G.O.Ms.No.212, dated 22.04.1994 and 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. He further submits that appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for regularisation of their services in their respective categories, in terms of the said G.O. and the judgments, referred to above.

The learned Government Pleader for Services appearing for the respondents, in principle, has not disputed about the applicability of judgment dated 30.01.2019 rendered by this Court in W.P.No.47828 of 2018, however, he has pointed out that petitioner No.6 is aged about 70 years and hence her case cannot be considered for regularisation of services as she has attained the age of superannuation and contends that the writ petition as against the said petitioner may be dismissed, while allowing the writ petition in respect of other petitioners.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that since all the petitioners are working with the respondents from 1983 to 1988 and they are fully eligible and qualified for regularization of their services in terms of G.O.Ms.No.212, dated 22.04.1994 and also the judgments of the Supreme Court referred to supra, the services of the petitioners can be regularized. Further, the contention of the learned Government Pleader that the petitioner No.6 has attained the age of superannuation and hence she is not entitled for regularisation of services cannot be accepted as the said G.O. and the judgments, referred to supra, are applicable to the case of petitioner No.6 also.

Therefore, the writ petition can be disposed of directing the respondents to consider the cases of all the petitioners,

including petitioner No.6, for regularisation of their services in their respective categories, irrespective of the fact that the petitioners have crossed the age of 60 years or below the age of 60 years, strictly in terms of G.O.Ms.No.212, dated 22.04.1994 and also by taking into account the judgment rendered by the Hon'ble Supreme Court in B. SRINIVASULU's case (supra) and also the orders passed by this Court in W.P.No.33936 of 2011 and batch, dated 02.05.2018. It is made clear that the entire exercise shall be completed within a reasonable period, preferably, within a period of three (3) months from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

17.06.2019.

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