

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12618 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. The writ petition is filed with the following prayer:

“...the Hon'ble Court may be pleased to issue order or direction more particularly one in the Writ of Mandamus to declare that the petitioners are eligible and entitled for regularization for services as Lab Attendants and for payment of all attendant, consequential and ancillary **benefits** on par with regular Lab Attendants and thereby to direct the respondents to regularize the services of the petitioners from the date of their respective appointments and to pay all attendant, consequential and ancillary benefits including all pay and allowance as applicable and on par with the regular Lab Attendants by holding the action of the respondents in not regularizing the services of the petitioners and in not paying the benefits like pay, HRA, DA, CCA etc. on par with regular Lab Attendants as highly arbitrary, illegal, unreasonable and unjust and contrary to the decisions of the Constitutional Courts apart from violation of Article 14 of the Constitution of India ...”

3. Heard Mr. M. Venkat Ram Reddy, learned counsel for the petitioners and learned Government Pleader for Services I appearing for the respondents.

4. Petitioners contend that they are working as Lab Attendants with the respondents since 1993, to the best satisfaction of their superiors and everyone concerned. The grievance of the petitioners is that though they have rendered more than 28 years of service, the respondents have not regularized their services. The petitioners further submit that the second respondent had recommended the case of the petitioners to the first respondent for regularization of their services vide proceedings dated 30.03.2017 and 10.10.2018 but so far

the first respondent has not passed any orders on the said recommendations made by the second respondent.

5. Therefore, the counsel for the petitioners would submit that in view of the law laid down by the Supreme Court in *SECRETARY, STATE OF KARNATAKA v. UMADEVI*¹ let appropriate orders be passed in the writ petition directing the first respondent to consider the recommendations made by the second respondent and pass appropriate orders in accordance with law.

6. Learned Government Pleader appearing for the respondents would submit that the recommendations made by the second respondent would be considered by the first respondent and appropriate orders would be passed.

7. This Court, having considered the rival submissions made by both parties, is of the considered view that the writ petition can be disposed of by directing the first respondent to consider the recommendations made by the second respondent for regularization of the services of the petitioners vide proceedings dated 30.03.2017 and 10.10.2018 by duly taking into account the decision of the Supreme Court referred to supra and pass appropriate orders within a period of three (3) months.

With the above observations, the writ petition is disposed of. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

June 25, 2019
DSK

¹ (2006) 4 SCC 1