

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR)No.646 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....declare that the Applicants are entitled for absorption/regularization of their services with effect from date on which they completed 5 years of service in terms of the law laid down by the Apex court reported in 2010 (9) SCC 247 and the Judgment of the Hon'ble High Court in W.P.No.17477 of 2007 dated 13.11.2012 and this Hon'ble Tribunal in O.A.No.477 of 2012 dated 19.3.2012 dated with all consequential benefits including increments and Revised Pay scales etc., by holding the action of the respondents in not considering the just claim of the Applicants for regularization/absorption in terms of the law laid down by the Apex Court without any justification or reasonable because even though the Applicants had completed more than 25 to 30 years of service and discharging their duties of Bill Collectors, as illegal, arbitrary, unjust.....”

Heard learned counsel for the petitioners and the learned Government Pleader for Services-II, appearing for the respondents.

The grievance of the petitioners is that though they were appointed during the years 1983-1989 on consolidated pay in the respondent-Department and have put in more than two decades of service, the respondents are not regularizing their services and also not extending the regular pay scale attached to the post.

Learned counsel appearing for the petitioners submits that the Apex Court in ***State of Karnataka and Ors vs. Umadevi***¹ has held that employer has to consider the cases of the employees who have completed more than 10 years of service for regularization of their services and they must frame a scheme for regularization of their services; that similar issue fell for consideration before this Court W.P.No.20726 of 2010 and this Court vide order dated 29-12-2016 disposed of the same directing the respondents therein to consider the cases of the petitioners for regularization, if necessary, by examining the requirement to formulate a scheme as directed by the Supreme Court in ***Umadevi's case*** (supra) and such exercise shall be completed and decision to this extent shall be taken as expeditiously as possible, preferably, within a period of two months from the date of receipt of copy of this order; and that appropriate orders be passed directing the respondents to consider the cases of the petitioners for regularization of their services in terms of the judgment rendered by the Apex Court in ***Umadevi's case*** (cited supra).

Learned Government Pleader appearing for the respondents submits that the cases of the petitioners would be considered in terms of the judgment of the Apex Court in ***Umadevi's case*** (cited supra), in accordance with law.

¹ 2006 (4) SCC (1)

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioners to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same in terms of the judgment of the Apex Court in ***Umadevi's case*** (cited supra) and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 29-04-2019
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