

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.13184 of 2005

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondent in not continuing the services of the petitioner as Junior Assistant or any suitable post as illegal, arbitrary and consequently direct the respondent to continue and regularize the services of the petitioner and to pay all consequential benefits including the salary and pass such other order or orders as may deem fit and proper.....”.

Heard Ms.A.Divya, learned counsel for the petitioner and the learned Standing Counsel for the respondent.

It has been contended by the petitioner that initially she was appointed with the respondent on 01.09.1999 on third party payment basis to discharge the duties of a Junior Assistant and she was posted at Mahabubnagar Division. The petitioner has been discharging her duties to the utmost satisfaction of her superiors and everyone concerned. While she was discharging her duties during March, 2005, the respondent has closed its unit at Mahabubnagar division and consequently transferred its employees to various other regions and in the said proceedings, the name of the petitioner was not listed and the petitioner's services were discontinued with effect from 15.03.2005. Challenging the action of the respondent in discontinuing her services, the petitioner filed the present writ petition.

Learned counsel appearing for the petitioner submits that the petitioner has rendered service of more than six years with the respondent and therefore, the respondent ought to have

continued the services of the petitioner and ought to have regularized her services. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondent to reinstate the petitioner as Junior Assistant in the respondent organization and also consider her case for regularization.

Learned Standing Counsel appearing for the respondent has contended that the petitioner was engaged on third party payment basis i.e., in other words on outsourcing basis during 1999. However, she was continued upto March, 2005 and thereafter consequent upon closure of the unit at Mahabubnagar, the services of the petitioner are no more required and accordingly her services were discontinued. He further submits that since the petitioner does not fulfil the conditions of the policy of the State Government enunciated in G.O.Ms.No.212 dated 22.04.1994, the question of considering the case of the petitioner for regularization would not arise, as the petitioner was not appointed against sanctioned post and she was appointed only on third party payment basis. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the respective parties, is of the considered view that the petitioner was appointed on third party payment basis during September, 1999 and she was continued upto March, 2005 and consequent upon closure of unit at Mahabubnagar Division, the services of the petitioner were discontinued. The services of the petitioner were discontinued almost fourteen years back from today and at this

stage, this Court cannot give a direction to continue the petitioner in service or regularize her services, as the petitioner is not fulfilling the conditions of G.O.Ms.No.212 dated 22.04.1994 nor she has completed ten years of service so as to give a direction to the respondents to consider her case for regularization in terms of the decision of the Apex Court in State of Karnataka and Others Vs. Umadevi¹. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

11-09-2019
Prv

¹ (2006) 4 SCC 1