

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17411 of 2019

ORDER:

Heard Sri J.Nagaraj, learned counsel for the petitioner and the learned Government Pleader for Services-II. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring that the petitioner is entitled for regularization of his services with effect from the date of his 1st appointment on daily wages i.e from 23.2.1983 in terms of the Judgment rendered by the Hon'ble Supreme Court in B.Srinivasulu's case in Civil Appeal No.6318 of 2015, dated 17.08.2015 and also the Judgment dated 6.3.2017 rendered by the Division Bench of this Hon'ble Court in W.P.No.41797 of 2015 with all consequential benefits including pay and allowances, increments and revision of pension and pensionary benefits and pass such other order or orders.....”

It has been contended by the petitioner that he was initially appointed as temporary employee on daily wage basis in S.W.Girls Hostel, Gadavarikhani vide proceedings dated 23.02.1983 and later, on fulfilling the conditions stipulated in G.O.Ms.No.212, dated 22.04.1994, his services were regularized vide proceedings dated 07.10.2002. The grievance of the petitioner is that because of the administrative lapses, his services were regularized only w.e.f 18.01.2002.

Learned counsel for the petitioner contends that as per the judgment rendered by the Hon'ble Supreme Court in ***B.Srinivasulu Vs. Nellore Municipal Corporation*** in Civil Appeal No.6318 of 2015, dated 17.08.2015, the petitioner is entitled for regularization of his services with retrospective effect. Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to regularize the services of the petitioner with retrospective effect in terms of the judgment rendered by the Hon'ble Supreme Court cited supra.

Learned Government Pleader appearing for the respondents contends that petitioner has straight away approached this Court without making a representation to the respondents. Therefore, he contends that if petitioner makes a representation, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation to the respondents seeking regularization of his services with retrospective effect, in terms of the judgment rendered by the Hon'ble Supreme Court in ***B.Srinivasulu Vs. Nellore Municipal Corporation*** in Civil Appeal No.6318 of 2015, dated 17.08.2015. Upon such representation being received, the respondents shall consider the same and pass

appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16.08.2019

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