

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8038 OF 2013

ORDER:

When the matter is taken up for hearing, S. Ravindranath, counsel appearing for the petitioner, had contended that the impugned show cause notice dated 30.01.2013 was issued to the petitioner based upon the judgment rendered by a Division Bench of this Court in W.P.No.8794 of 2007 & batch, dated 14.03.2012, wherein it was contended that the services of the petitioners should not be converted from regular to that of contract basis. Counsel appearing for the petitioner further submitted that the said orders of the Division Bench have been reversed by the Hon'ble Supreme Court in S.L.P. (Civil) No.15001-15110 of 2013, dated 25.02.2019, and in view of reversal of the judgment of the Division Bench of this Court, the impugned show cause notice is liable to be set aside.

Sri R.Vinod Reddy, counsel appearing for the respondents, had contended that the impugned show cause notice was issued based upon the aforesaid judgment passed by a Division Bench of this Court and subsequently the said judgment of the Division Bench has been reversed by the Hon'ble Supreme Court in S.L.P. (Civil) No.15001-15110 of 2013, dated 25.02.2019, and in view of the same, the basis for issuance of the impugned show cause notice has been taken away, therefore, appropriate orders be passed in the writ petition.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that the basis for issuance of the impugned show cause notice to the petitioner is taken away by the Hon'ble Supreme Court in S.L.P. (Civil) No.15001-15110 of 2013, dated 25.02.2019, and in view of this subsequent development during pendency of this writ petition, the impugned show cause notice is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned show cause notice dated 30.01.2013 and the petitioner is entitled to all consequential benefits. No order as to costs.

Pending miscellaneous petitions, if any, shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

23rd September, 2019
v v