

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.23629 of 2005

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an appropriate writ or order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondent in not regularising the services of the petitioner in the post of Field Assistant as wholly unjustified, arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent to reinstate and regularise the services of the Petitioner in the post of Field Assistant and further direct the Respondent authorities to pay full back wages from the date the Petitioners service was terminated....”

Heard Mr.A.Venkata Ramana, learned counsel for the petitioner and Sri K.Staram, learned Standing Counsel for the respondent.

It has been contended by the petitioner that he was initially appointed as a Field Assistant on daily wage basis with the respondent on 04.10.1989 and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. While so, owing to ill-health, the petitioner could not attend to his duties from 1996 onwards and after recovering from illness, the petitioner has reported to duty in the year 2002. However, the respondent has not taken the petitioner into service stating that it has already taken another employee on daily wage basis and the services of the petitioner are no more required. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that since the petitioner was appointed on daily wage basis during the year 1989 and worked upto 1996, the action of the respondent in not

reinstating the petitioner into service and regularizing his services in the cadre of Field Assistant is arbitrary and illegal and, therefore, appropriate orders be passed in the writ petition directing the respondent to reinstate the petitioner into service and regularize his services as a Field Assistant.

Learned Standing Counsel appearing for the respondent contends that as the petitioner worked till 1996 only and since then, he has not discharged his duties with the respondent, the question of reinstating the petitioner into service and regularizing his services in the cadre of Field Assistant would not arise. Hence, 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 learned counsel for the respective parties, is of the considered view that, admittedly, the petitioner worked with the respondent nearly two and half decades back and the case of the petitioner was not considered for reinstatement into service on account of unauthorized absence. So, at this stage, this Court cannot give a direction to the respondent to reinstate the petitioner into service and regularize his services in the cadre of Field Assistant. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30-09-2019
Prv