

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22123 of 2019

ORDER:

Heard Sri R.Dheeraj Singh, learned counsel for the petitioner and the learned Government Pleader for Services-II. With the consent of both the parties, this writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ Of Mandamus by declaring the action of the Respondents 1 to 6 in not regularizing the petitioners services w.e.f. 05.09.1998 as wholly illegal, arbitrary and unconstitutional and violative of Article 14 and 16 Constitution of India, consequently to direct the respondents 1 to 6 to regularize services of the Petitioner w.e.f. 05.09.1988 with all consequential benefits including the seniority, promotion etc., in the month of December, 2019 and pass such other.....”

It has been contended by the petitioner that she was initially appointed as part-time contingent sweeper in the Irrigation Department, Khammam and presently she is working at Respondent No.6 office as full time contingent sweeper. The grievance of the petitioner is that though she has rendered more than 3 decades of service, respondents are not considering her case for regularisation. Petitioner further contends that the services of the 7th respondent who was appointed along with her were regularised and his case was further considered for promotion to the post of Junior Assistant.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the

respondents to consider the case of the petitioner for regularisation in term of G.O.Ms.No.212, dated 22.04.1994 as the petitioner has completed 5 years of service as on the cut off date ie., 25.11.1993. He further contends that the case of petitioner for regularisation be considered in terms of judgment rendered by the Hon'ble Supreme Court in **Secretary, State of Karnataka and Others Vs. Umadevi**¹ wherein it was held that persons who have put in more than 10 years of service are entitled to be regularized and the respondents therein were directed to formulate a scheme as a one time measure to regularize their services. He further contends that case of the petitioner for regularisation be considered expeditiously as she is likely to retire in the month of December, 2019.

Learned Government Pleader had contended that petitioner is not having requisite qualification to hold the post of sweeper and therefore she is not eligible for regularization of services. He further contends that petitioner has not completed 10 years of service on the cut off date as per G.O.Ms.No.112, dated 23.07.1997 and her case cannot be considered for regularization. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Having regard to the submissions made by learned counsel appearing for the respective parties, this Court is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for regularization in the light of the law laid down by the Hon'ble Supreme Court in **Umadevi's** case and in terms of G.O.Ms.No.212, dated 22.04.1994, as admittedly the petitioner

¹ (2006) 4 SCC 1

has put in more than 3 decades of service and pass appropriate orders in accordance with law within four weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06-11-2019

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