

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22687 of 2005

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in not regularising the services of the petitioner as Clerk in the remaining 93 vacancies of Clerks in terms of the Memorandum of Settlement dated 31.07.1997, as illegal and arbitrary, and consequently sought a direction to the respondents to regularise the services of the petitioner as Clerk.

The petitioner was initially appointed as General Mazdoor on 31.08.1992, and he was asked to discharge the duties of Clerk from 01.09.1993 onwards and ever since he has been discharging the duties of Clerk. As per the Memorandum of Settlement dated 31.07.1997 entered between the respondent Management and Major Trade Unions, the petitioner is fully eligible and qualified for regularisation of his services as Clerk, Grade-III. Even though the petitioner is discharging the duties of Clerk and is fully eligible and qualified for holding the said post, as the respondents are not regularising his services in the cadre of Clerk, the petitioner has filed the present writ petition.

Heard Sri K. Vasudeva Reddy, learned counsel for the petitioner and Sri Nandigama Krishna Rao, learned Standing Counsel for the respondents – Company.

Learned counsel for the petitioner submits that while admitting the writ petition on 21.10.2005, this Court was pleased to grant interim order directing the respondents to keep one post of Clerk vacant in terms of the Circular dated 24.01.2005 issued by respondent No.1 and pursuant to the said directions, as on today one post of Clerk is being kept unfilled and, therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for regularisation of his services in the cadre of Clerk, Grade-III, in terms of Memorandum of Settlement dated 31.07.1997.

On the other hand, the learned Standing Counsel for the respondents – Company submits that the qualification required for regularisation of services in the cadre of Clerk is Graduation with Typewriting Higher Grade; and Graduation with Typewriting Lower Grade for regularisation of services in the cadre of Clerk, Grade-II, and as the petitioner has passed 10th Class only, he is not fully eligible and qualified for regularisation of his services in the cadre of Clerk.

Having considered the rival submissions of the learned counsel 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 regularisation of his services in the cadre of Clerk in terms of the Memorandum of Settlement dated 31.07.1997 by duly

taking into account the fact that the petitioner is discharging his duties as Clerk w.e.f. 01.09.1993 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

28.01.2019.
Msr

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