

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.17995 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue a writ, order or direction more particularly one in the nature of the Writ of Mandamus declaring the inaction on the part of the respondents in absorbing/regularizing the service of the petitioner in a clear aided vacant post of sweeper/or in any other clear aided class IV post in the 5th respondent college as illegal, arbitrary, unconstitutional and violation of Articles 14, 16 & 39 (d) of the Constitution of India and consequently direct the respondents to absorb / regularize the services of the petitioner in a clear aided vacant post of sweeper/or in any other clear aided class IV post in the 5th respondent college w.e.f. the date of the initial appointment of the petitioner i.e., from the year 2002 with all consequential benefits including continuity of service and pensionary benefits to the petitioner”

Heard Mr.Sadu Rajeshwar Reddy, learned counsel for the petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that he was appointed as a Sweeper with the 5th respondent in the year 2002 and since then, he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. While so, a regular aided vacancy arose consequent upon retirement of an incumbent in the 5th respondent College during the year 2006 and the 5th respondent College has appointed the petitioner in an aided vacancy and accordingly submitted a proposal to the 3rd respondent on 05.03.2016, but, so far, the 3rd respondent has not passed any orders on the said proposal submitted by the 5th respondent. Challenging the same, the present writ petition is filed.

Learned Counsel for the petitioner has contended that appropriate orders be passed in the writ petition directing the 3rd respondent to consider the proposal submitted by the 5th respondent and pass appropriate order in accordance with law.

Learned Government Pleader appearing for the respondents has contended that since the proposal submitted by the 5th respondent is pending with the 3rd respondent, the 3rd respondent would consider the same and pass appropriate orders in the accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 3rd respondent to consider the proposal submitted by the 5th respondent on 05.03.2016 and pass appropriate orders in accordance with law within a period of eight weeks from the date of a receipt of a copy of this order.

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

Pending miscellaneous petitioners, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

12-11-2019

Prv