

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17662 OF 2013

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to appoint the petitioner in any IV Class employment in the respondents department on sympathetic and humanitarian grounds in view of her pathetic position without reference to G.O.Ms.No.212, dated 22.4.1994 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Asadullah Shareef, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that initially, she was appointed as a Sweeper in the respondent-Department during February, 1992, on daily wage basis and she was continued in service upto 1997. From 1997, the respondents have dis-engaged the services of the petitioner. Challenging the same, the petitioner preferred O.A.No.7782 of 1999 before the Tribunal. The Tribunal vide order dated 07.03.2011 allowed the same. Challenging the same, the State preferred W.P.No.12145 of 2001 before a Division Bench of this Court. The Division Bench *vide* order dated 14.08.2001 disposed of the same with a direction that “part of the order whereby and

whereunder the services of the 2<sup>nd</sup> respondent have been directed to be regularized shall not be acted upon; instead and in its place we direct that her case be considered in terms of G.O.Ms.No.212, Finance & Planning (PW.PC.II) Department, dated 22.4.1994 and other relevant Government Orders and Circulars in the light of the aforementioned decision”. In pursuance thereof, the case of the petitioner was considered and rejected vide order dated 11.10.2002 on the ground that as per G.O.Ms.No.212, dated 22.04.1994, the petitioner is not entitled for regularization as she has not completed five years of service as on 25-11-93. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that since the petitioner had worked as Sweeper on daily wage basis way back in 1992 and without any valid reasons, her services were dis-engaged, appropriate orders be passed directing the respondents to consider the case of the petitioner for appointment as Sweeper.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be considered and appropriate orders would be passed in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the petitioner to submit a representation afresh to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider and pass appropriate orders thereon, in accordance with law, within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

24<sup>th</sup> April, 2019  
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