

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.41996 of 2018

ORDER:

This writ petition is disposed of at the stage of admission with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“.....to issue Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not renewal for a period of 01.4.2018 to 31.03.2018 under the G.O.Rt.No.2246, Fin (SMPC) Department, dated 07.06.2007 to the petitioners as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 19 and 21 of the Constitution of India and also violative of principles of natural justice and consequently direct the respondents herein to renew their duties for a period of 01.04.2018 to 31.03.2019 through the agency of 4th respondent as on previous terms and conditions....”

Heard Mr.G.S.R.Prasad, learned counsel for the petitioners and the learned Government Pleader for Services-II.

It has been contended by the petitioners that they were appointed as daily wage labourers during the year 1991 and since then, they are continuing on daily wage basis.

The grievance of the petitioners is that though they are appointed on contract basis, the contract period from 01.04.2018 is not being extended. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioners contended that during pendency of this writ petition, the respondents have filed counter and in the said counter at para '7', the respondents have admitted that the services of the petitioners were renewed from 01.05.2018 till 31.03.2019 through a new agency. Though the respondents have renewed the services of the petitioners with effect from 01.05.2018, they are not being paid the same wages which were paid earlier by the respondents instead they are paid less wages.

The grievance of the petitioners is that their services were renewed through some new agency but not through 4th respondent. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to renew the services of the petitioners through 4th respondent agency only and continue to pay the wages which were being paid by the 4th respondent.

The learned Government Pleader submits that the services of the petitioners were considered sympathetically and the tenure of appointment of the petitioners was extended from 01.05.2018 to 31.03.2019 and the petitioners are continuing in service as on today through a new agency.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the respondents have renewed the services of the petitioners with effect from 01.05.2018 and the grievance of the petitioners has been resolved with the renewal of their services. Therefore, the cause in the writ petition does not survive.

The writ petition is, accordingly, closed. If the petitioners are still aggrieved by the action of the respondents in paying less wages than being paid by the earlier agency, it is always open to the petitioners to challenge the same in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

06-11-2019
Prv