



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 14510 OF 2024 (S-REG)

BETWEEN:

1. K.C. JAGADEESH,
S/O SIDDIAIAH,
AGED ABOUT 48 YEARS,
R/AT NO.423, 4TH CROSS,
HARIJANA COLONY, YARAGANAHALLI,
MYSORE, KARNATAKA - 570 011.
2. A. NARASIMHA,
S/O LATE ANJANAPPA,
AGED ABOUT 48 YEARS,
R/AT NO.106, C. V. ROAD,
10TH CROSS, MANDI MOHALLA,
MYSORE, KARNATAKA - 570 015.
3. KARPA K.,
S/O LATE KUPPA,
AGED ABOUT 53 YEARS,
R/AT NO.103, BOGADI ROAD,
KUDARE MALLA, MANASA GANGOTHRI,
MYSORE, KARNATAKA- 570 006.
4. PALANI,
S/O RANGAIAH,
AGED ABOUT 55 YEARS,
R/AT NO.41, 16TH CROSS,
4TH MAIN, P K COLONY,





NEAR LINGAYAITHA BARIAL,
VIDYARANYAPURAM,
MYSORE, KARNATAKA - 570 008.

5. ROSAIAH,
S/O LATE RAMAIAH,
AGED ABOUT 55 YEARS,
R/AT NO.1277, SILK FACTORY ROAD,
MANANDAVADI, NELLURU SHED,
MYSORE, KARNATAKA - 570 008.
6. SUBRAMANI,
S/O LATE RAMAIAH,
AGED ABOUT 50 YEARS,
R/AT NO.27, B BLOCK MCC COLONY,
KURIMANDI KESARE,
MYSORE, KARNATAKA - 570 007.
7. NINGARAJU S.,
S/O LATE SIDDAIAH,
AGED ABOUT 47 YEARS,
R/AT NO.148, NANJANGUD MAIN ROAD,
SARVODAYA KALYANA KUTTER,
MYSORE, KARNATAKA - 570 025.
8. NAGARAJA G.,
S/O LATE GANGAPPA,
AGED ABOUT 50 YEARS,
R/AT NO.1293, OPP. SILK FACTORY,
NELLORE SHED, MANANDAVADI ROAD,
MYSORE, KARNATAKA - 570008.
9. MURUGESH,
S/O PALANISWAMY,
AGED ABOUT 50 YEARS,
R/AT NO.79, KUDREMALA,



MANASANAGAR,
MYSORE - 570011.

10. RAJAGOPALA,
S/O LATE MUTHAIAH,
AGED ABOUT 52 YEARS,
R/AT NO.41/5, 4TH MAIN,
16TH CROSS, SEWAGE FORM COLONY,
VIDYARANYAPURAM,
MYSORE, KARNATAKA - 570008.
11. VENKATESH,
S/O LATE DODDARANGA,
AGED ABOUT 55 YEARS,
R/AT NO.25 4TH MAIN,
16TH CROSS, P K COLONY,
VIDYARANYAPURAM,
MYSORE, KARNATAKA - 570008.
12. MAHESHA,
S/O LATE KUSAPPA,
AGED ABOUT 53 YEARS,
R/AT NO.618-2 DEVANUR,
MYSORE, KARNATAKA - 571119.
13. SHRIDHARA,
S/O KRISHNAPPA,
AGED ABOUT 50 YEARS,
R/AT NO.23/A, 3RD MAIN,
6TH CROSS, VINAYAKA NAGARA,
MYSORE, KARNATAKA - 570012.
14. G. SRINIVASA,
S/O LATE GOVINDAPPA,
AGED ABOUT 54 YEARS,



R/AT NO.47, C. V. ROAD,
8TH CROSS, MANDI MOHALLA,
MYSORE, KARNATAKA - 570021.

15. GANGADHARA H.,
S/O LATE HANUMAIAH,
AGED ABOUT 51 YEARS,
R/AT NO.52, 8TH CROSS, C V ROAD,
8TH CROSS, MANDI MOHALLA,
MYSORE, KARNATAKA - 570015.

...PETITIONERS

(BY SRI. SHARATH S. GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
B R AMBEDKAR VEEDHI,
BANGALORE - 560001.
2. THE STATE OF KARNATAKA,
REP. BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT,
VIKASA SOUDHA, B R AMBEDKAR VEEDHI,
BENGALURU - 560001.
3. DIRECTORATE OF MUNICIPAL ADMINISTRATION,
REP. BY ITS SECRETARY,
DR. B R AMBEDKAR VEEDHI,
9TH AND 10TH FLOOR,
VISHVESHWARAIHA TOWER,
BANGALORE - 560001.



4. MYSURU CITY CORPORATION,
NEW SAYYAJI RAO ROAD,
MYSURU - 570024,
REP. BY ITS COMMISSIONER.
5. THE DEPUTY COMMISSIONER,
MYSURU,
KRISHNARAJA BOULEVARD ROAD,
MYSURU DISTRICT,
MYSURU - 570001.

...RESPONDENTS

(BY MS. NAVYA SHEKHAR, AGA FOR R1 TO R3 AND R5;
SMT. M.P. GEETHADEVI, ADVOCATE FOR R4)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT AUTHORITIES TO REGULARIZE THE SERVICE OF THE PETITIONERS FROM THE DATE OF THEIR INITIAL APPOINTMENT, BY CONSIDERING THE REPRESENTATIONS DATED 01.04.2024 AND 02.04.2024 VIDE ANNEXURE-K AND K1 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioners have filed the present petition seeking for issuance of a direction to the respondent authority to regularize the services of the petitioners by considering the representation at Annexures-'K' and 'K1'. The petitioners have also sought for necessary direction to the respondent authority to extend benefits consequent to passing the order of regularization.

2. It is the case of the petitioners that they were working as 'Underground Drainage (UGD) Workers' on daily wage basis since the year 1997. It is further submitted that in light of their prolonged work as daily wagers, they are entitled for regularisation in terms of the direction of the Apex Court in the case of ***State of Karnataka and others v. Umadevi and others*** reported in ***(2006) 4 SCC 1***.

3. It is their further case that their factum of working is borne from records including service certificates at Annexure-'B' series, payment to the petitioners is



evidenced from bank account extract at Annexure-'C' series, identity cards issued by the employer are enclosed at Annexure-'D' series, their records relating to Employees State Insurance Corporation are enclosed at Annexure-'E' series and the Provident Fund details of each of the petitioners are found at Annexure-'F' series.

4. It is submitted that by virtue of notification dated 02.04.2011 by the Urban Development Secretariat, Cadre and Recruitment Rules have been framed, the post of UGD Helper is found in the schedule and that in terms of the details available, there are about 264 vacant posts under the cadre of UGD Helper. It is submitted that in light of the petitioners having fulfilled the requirements of ***Umadevi's*** case, they are entitled for the benefits as extended to daily wage workers working though in a different capacities under the Mysuru City Corporation as was ordered in W.P.No.50876/2019 and connected matter which was subsequently upheld by the Division Bench and consequent to which such of the employees whose claim



for regularisation was recognized by the Court, have been regularized and order is passed.

5. Learned counsel for the respondent upon instructions submits that *prima-facie* the case appears to be covered by the order of the Coordinate Bench in W.P.No.50876/2019.

6. The dates of petitioners having joined the service is as per Annexure-'A'. Further, the table at Annexure-A would indicate that the petitioners were appointed in the year 1997. As pointed out, Annexure-'B' series reflects the service certificates of the petitioners, Annexure-'C' series reflects payment to them, Annexure-'D' series reflects their identity cards, Annexure-'E' series are the records indicating petitioners having availed benefits under the Employees State Insurance Corporation and Annexure-'F' series are the records reflecting contribution to the e-Provident Fund by the petitioners. In terms of the Government notification dated 02.04.2011, the Cadre and Recruitment Rules have been notified viz.,



Karnataka Municipal Corporations (Common Recruitment of Officers and Employees) Rules, 2011, Schedule-IB as per Rule 3(1) provides for the post of UGD Helper.

7. Further as per records available insofar as UGD Helper for Corporation similar as that of the respondent which are classified as Group-1 Corporation, number of sanction posts for UGD Helper are 264. This Court while dealing with the employees of the same respondent - Corporation in W.P.No.50876/2019 by a detailed order has ordered as hereunder:

"ORDER

1. A writ of mandamus issues to respondent No.5-Deputy Commissioner, Mysuru, to consider the case of the petitioners for regularization of their services in terms of the directions given by the Apex Court in the case of Uma Devi and the Government Order dated 25.05.2006 from the date on which the petitioners completed ten years of service.



2. The impugned communication dated 27.12.2017 is hereby quashed and set aside.

3. In case of the petitioners who have attained the age of superannuation subsequent to filing of these writ petitions, their cases also shall be considered for deemed regularisation and after the order of deemed regularization is passed with respect to such of the petitioners, all the retiral benefits as is available for a regular employee shall be given.

4. In case of such of the petitioners who continued to work in terms of the interim orders passed by this Court, their salaries shall be paid for the services rendered by them pursuant to the interim orders.

It is ordered accordingly."

8. It must be noticed that in the present case, admittedly there are posts as referred to above in terms of the Cadre and Recruitment Rules and the certificates of service at Annexure-'B' series would indicate that the petitioners are working. If that were to be so, it is to be taken that they were working as regards sanction posts.



Needless to state, it is also not in dispute that respondent - Corporation since 2011 has not filled up these posts of UGD Helper by regular recruitment, which assertion of the petitioners is not controverted.

9. In light of the directions given by the Coordinate Bench having been implemented and noticing the date of appointment of the petitioners in terms of the table furnished at Annexure-'A', that there were vacant posts as is evidenced from the Cadre and Recruitment Rules which are notified as per Schedule-III, that admittedly the petitioners are working continuous work is not by virtue of any interim orders of the Court, that all the petitioners possess the qualification as on the date of appointment, their request requires to be considered.

10. Accordingly, the petitioners are entitled for the same relief as ordered in W.P.No.50876/2019 and connected matter. Accordingly, I pass the following:



ORDER

- i. Writ of mandamus is issued to respondent No.4 to consider the case of the petitioners for regularisation of their service in terms of the direction given by the Apex Court in the case of ***Umadevi*** and the Government Order dated 25.05.2006 and pass orders with effect from the date from which the petitioners completed ten years of service.
- ii. Necessary orders to be passed by the respondents within a period of 3 months from the date of receipt of certified copy of the order.

Accordingly, the petition is ***disposed off***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE