
(2012) 08 KAR CK 0398

In the Karnataka High Court

Case No : Writ Petition No's. 7014 to 7031 of 2012 (S-RES)

Dr. R. Manjula and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 17-08-2012

Acts Referred:

Citation : (2013) 1 AKR 365

Hon'ble Judges : Subhash B. Adi, J

Bench : Single Bench

Advocate : Subhramanay Bhat and Subba Rao and Co, for the Appellant;
Raghavendra G. Gayatri, HCGP, for the Respondent

Judgement

Subhash B. Adi, J.—Petitioners claim that they have been employed by respondents 1 to 3 through respondent No. 4 and they have been working in various Primary Health Centers since several years. By virtue of the notification dated 28.02.2012 as per Annexure "D" the Health Centers, in which petitioners are working are sought to be withdrawn and handed over to the respective Taluka Health Officers and thereby, there is a threat of removal of these petitioners from the services provided under the fourth respondent. It is not in dispute that these petitioners have been engaged by respondent No. 4, who is a Contractor for supply of labour. Petitioners are working for considerable time in the Primary Health Centers, but, the same does not create any right nor confer any right on them for regularization of their services. Also, it does not create any relationship of employer and employees between the State and the petitioners.

2. However, it appears that the services of these petitioners, being necessary for the Health Centers, they have been continued. Even in communication dated 15.03.2012 as per Annexure "K", it is stated that in pursuance of the interim order passed by this Court, these petitioners have been continued in service. If respondent No. 3 is in need of services of these petitioners, he may continue them on such terms as he deems fit. However, the petitioners cannot claim as a matter of right that they have any lien or any right in the particular post or

service. Relationship of employer and employees is between respondent No. 4 and the petitioners. If respondent No. 3 requires the services of the petitioners, this order will not preclude him from continuing their services as long as he wants. If such services are taken by the third respondent, the third respondent shall pay the wages to the petitioners as per law. If there is any wage due, the same shall be disbursed to the petitioners.

Accordingly, the writ petitions stands dispose of. Consequently, I.A.III/2012 for vacating stay stands disposed of.