

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1280 of 2015

1. The Government of Tamilnadu,
rep by its Secretary to Government,
Department of Housing Board and Urban Development,
Secretariat,
Chennai-600 009.
2. The Commissioner,
Office of the Commissioner of Town
and Country Planning,
807, Anna Salai,
Chennai-600 002.
3. The Assistant Director of Town Planning,
Kuruchi New Town Development,
Coimbatore-641 021.

...Appellants

Vs.

P.Sivakami

...Respondent

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 29.10.2013 passed in W.P.No.29286 of 2013.

W.P.No.29286 of 2013:

Petition filed under Section 226 of the Constitution of India, praying this Hon'ble Court to direct the 1st respondent to regularize the petitioners service from 1.1.2006 in pursuant of G.O.No.22 of Personnel and Administrative Reforms(F) Department dated 28.2.2006.

For Appellants : Mr.P.H.Aravindh Pandian,
Additional Advocate General
Assisted by Mrs.A.Srijayanthi, Spl.G.P.

For Respondent : Mr.P.Saravanan

JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal arises from the order dated 29th October, 2013 passed in W.P.No.29286 of 2013, whereunder the learned Single Judge directed regularisation of the services of the writ petitioner on completion of 10 years with effect from 13th March, 1998 within two weeks from the date of receipt of copy of the order.

2 The writ petitioner / respondent herein approached the High Court under the writ jurisdiction, seeking for a direction in pursuant to G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28th February, 2006, whereunder the Government had decided to regularise the services of daily wage employees by appointing them in time scale of pay, on completion of 10 years of service as on 1st January, 2006.

3 An identical issue came up for consideration before the Supreme Court in Secretary to Government, School Education Department, Chennai Vs. R.Govindaswamy and others [Civil Appeal Nos.2726-2729 of 2014]. The Supreme Court disposed of the appeals, holding that the issue in question was squarely covered by the judgment in State of Rajasthan and others Vs. Daya Lal and others¹, to the effect that the daily wage employees are not entitled to claim regularisation if not working against the sanctioned post and also their work was not satisfactory. However, recording the submission of the learned counsel appearing for the State appellant, it was held that in case of those employees, wherein their regularisation was already implemented, that would not be disturbed.

4 In the case on hand, the impugned order was delivered on 29th October, 2013, directing the State appellant to regularize the writ petitioner's service within two weeks. The appellants have taken more than two years to come to this court, questioning the correctness of the said order and as such, we are not inclined to go into the merits of the case. We, accordingly, dismiss the appeal with a direction to the appellants that if the order has not been

¹ AIR 2011 SC 1193

implemented as per the direction of the learned Single Judge, the same shall be implemented within a period of six weeks from today. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Secretary to Government,
The Government of Tamilnadu,
Department of Housing Board and Urban Development,
Secretariat,
Chennai-600 009.
2. The Commissioner,
Office of the Commissioner of Town
and Country Planning,
807, Anna Salai,
Chennai-600 002.
3. The Assistant Director of Town Planning,
Kuruchi New Town Development,
Coimbatore-641 021.

1 CC to Mr.P.Saravanan, Advocate SR.No. 50950

8 CCs to the Government Pleader, SR.No.49636

WEB COPY

W.A.No.1280 of 2015

SV (CO)
PSI (01.10.2015)