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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 10-02-2015

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The Honourable Mr. Justice SATISH K. AGNIHOTRI

and

The Honourable Mr. Justice M. VENUGOPAL

W.A.No.15 of 2015 and M.P.No.1 of 2015

- 1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-9.
- 2.The Director of Public Libraries,
Anna Salai, Chennai-2.
- 3.The District Library Officer,
Namakkal District,
Namakkal.

.. Appellants

Vs.

P.T.Palanisamy

.. Respondent

Writ appeal preferred under Clause 15 of the Letters Patent against the order dated 19.06.2013 passed in W.P.No.16341 of 2013.

Writ Petition filed under Article 226 of the Constitution of India, praying this Hon'ble Court to issue a writ of Mandamus, directing the respondents to regularise the services of the petitioner from the date of completion of 10 years of service from the date of initial appointment on 13.05.1996 with all monetary and other consequential service benefits including the arrears of pay in the revised scale.

For appellants Mr. D.Krishna Kumar, Spl.G.P.

For Respondent Mr.S.M.Subramaniam



JUDGMENT

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

The writ appeal is directed against the order dated 19.06.2013 passed in W.P.No.16341 of 2013.

2.The issue involved in this writ appeal is with regard to regularisation of services of the respondent, who is a part-time sweeper, on completion of 15 years of service which was dealt with by this Court in W.A.Nos.2911 of 2012, etc. batch, and this Court allowed the same on 10.07.2014, wherein, it was held thus :

"7. As batch of cases were also pending before the Madurai Bench of Madras High Court, they have been taken up for hearing and disposed of holding that the writ petitioners are not entitled for the relief sought for. Resultantly, the writ appeals in W.A.(MD)Nos.1157, 992 to 994, 1015, 1054, 1116, 1110, 1107, 1151 to 1156, 1356 to 1369, 842 and 1178 of 2013 and 440 to 446 of 2014 and Review Applications. 88 of 2013 and 28 of 2014, filed by the Government of Tamil Nadu have been allowed.

8. The Division Bench has considered all the issues in extenso while rejecting the submissions raised on behalf of the writ petitioners. Accordingly, it was held that the cut off date fixed cannot be extended and part-time employees are not entitled for the relief under the Government Order passed in G.O.Ms.No.22 P&AR(F) Department, dated 28.02.2006 being inapplicable to them. The binding nature of the decision rendered by the Supreme Court, the scope of Article 14 of the Constitution of India as well as the Review jurisdiction had also been dealt with.

9. In the light of the categorical pronouncements of the Supreme Court of India governing the very same issue as dealt with in extenso by the Division Bench of Madurai Bench of Madras High Court, we are of the view that the writ petitions are liable to be dismissed.

10. It has been informed that a subsequent Government Order has been passed in G.O.Ms.No.74, Personnel and Administrative Department dated 27.06.2013, by which, the Government has decided not to disturb those cases, where orders have already been passed by the competent authority in pursuant to the Government Order passed in G.O.Ms.No.22 P&AR(F) Department, dated 28.02.2006 as well as the orders issued in pursuant to the



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Court direction "where the verdict reached finality". The learned counsel appearing for the writ petitioners submitted that the civil appeals filed by the Government before the Supreme Court in Civil Appeals Nos.2726-29 of 2014 with Nos.2730-31 of 2014 will have to be made applicable to the case where orders have been implemented. Per contra, the learned Advocate General appearing for the State submitted that the Government has already passed appropriate orders in G.O.Ms.No.74 Personnel and Administrative Department dated 27.06.2013. It is further submitted that inasmuch as the said issue is not for consideration, the same need not be gone into.

11. We do not propose of go into the applicability of the Government Order passed in G.O.Ms.No.74 Personnel and Administrative Department dated 27.06.2013, in the light of the observations made by the Supreme Court in Civil Appeals Nos.2726-29 of 2014 with Nos.2730-31 of 2014. Based upon the statement made by the learned Advocate General appearing for the State, it is well open to the parties concerned to make representations before the authorities concerned contending that the decision rendered in their favour by the learned single Judge has already been complied with and therefore, their services shall not be disturbed in the light of the Government Order passed in G.O.Ms.No.74 Personnel and Administrative Department, dated 27.06.2013 as well as the order passed by the Supreme Court in Civil Appeals Nos.2726-29 of 2014 with Nos.2730-31 of 2014. As and when such representations are made before the appropriate authority, the authority concerned is directed to consider and pass orders within a period of eight weeks from the date of receipt of a copy of this Order. "

This writ appeal is allowed in the same terms. No costs. Connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp/vvk



To

1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-9.

2.The Director of Public Libraries,
Anna Salai, Chennai-2.

3.The District Library Officer,
Namakkal District, Namakkal

W.A.No.15 of 2015

SV(CO)
PMK.25.2.2015