

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.4.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.12521 of 2015

M.Poongavanam

... Petitioner

vs.

1. The State of Tamil Nadu
rep by its Secretary to Government
School Education Department,
Secretariat, chennai - 9.
2. The Director of School
Education college Road
Chennai - 6
3. The District Educational Officer
Thiruppathur, Vellore District.
4. The Headmaster
Government Higher Secondary School
Nimmiampattu, Vaniyampadi Taluk,
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the respondents to consider the claims of the petitioner for regularisation in the post of sweeper on time scale of pay as per G.O.Ms.No.528, P & AR Department dated 10/10/1988 and the Government Clarification letter No.27293/Service F/88-1 P & AR(Ser.F) Department Dated 23/01/1989 with all benefits as given to juniors and similarly placed persons and pass such other orders.

For Petitioner : Mr.G.Elanchezhian
For Respondents : Mr.S. Gunasekaran

O R D E R

With the consent of both parties, the writ petition itself is taken up for final disposal, as the issue lies in narrow compass.

2. The petitioner was appointed as Part Time Sweeper in the vacant place of Nimmiampattu Government High School on 15.7.1986 and he joined the duty on 05.9.1986. After completion of ten years of service, the petitioner made request for regularisation of his service on the basis of Government Order in G.O.Ms.No.528, P & AR Department dated 10.10.1988. Pursuant to the said request, the fourth respondent sent a proposal to the third respondent and the same was also forwarded to the second respondent. However, there was no follow up action taken by the respondents resulting in filing this writ petition.

3. The grievance of the petitioner is that though the similarly situated persons like him were granted regularisation of service from the year 2001 onwards, he is not yet regularised. The petitioner also enclosed various orders of the respondents regularising the services of the similarly situated persons in the typed set of papers to substantiate the same. The petitioner also made a representation dated 28.3.2015 in this regard.

4. The learned counsel for the petitioner submits that while others, who joined in service along with the petitioner or subsequent to him, were regularised by virtue of G.O.Ms.No.528, P & AR Department dated 10.10.1988, the services of the petitioner who is also similarly situated, should also to be regularised by the competent authority. The learned counsel for the petitioner further submitted that the petitioner would be satisfied if a direction is issued to the respondents to consider the representation dated 28.3.2015 in the light of the G.O.Ms.No.528, P & AR Department, dated 10.10.1988 and also in the light of the regularization given to similarly situated persons.

5. In view of the narrow prayer now made, the respondents are directed to consider and dispose of the representation dated 28.3.2015 submitted by the petitioner in the light of G.O.Ms.No.528, P & AR Department, dated 10.10.1988 and also in the light of the regularization given to similarly situated persons. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

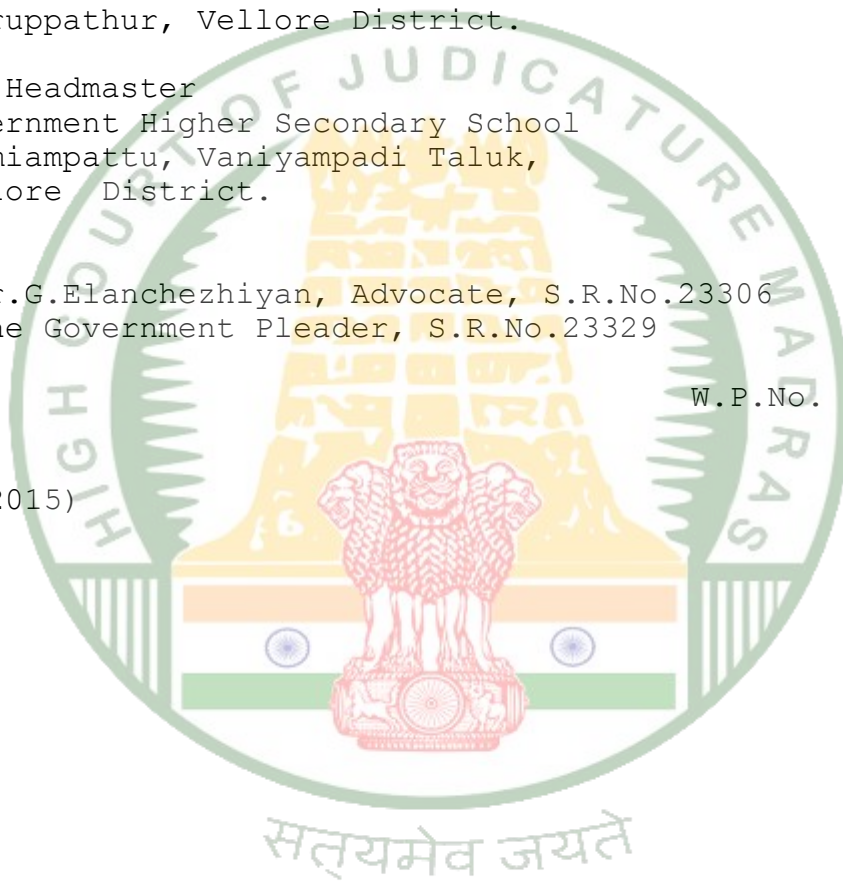
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+1cc to Mr.G.Elanchezhiyan, Advocate, S.R.No.23306

+1cc to the Government Pleader, S.R.No.23329

W.P.No. 12521 of 2015

SR(CO)
CA(18/05/2015)



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