

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN
W.P.No.19444 of 2015

E.Chinnadurai

... Petitioner

-Versus-

1.The State of Tamil Nadu,
Rep. By its Secretary,
School Education Department,
Secretariat, Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The District Educational Officer,
Thiruppathur, Vellore District.

4.The Headmaster,
Government Higher Secondary School,
Vadacheri 635 754,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of 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's clarification letter No.27293/Service F/88-I, P & AR (ser.F) Department dated 23.01.1909 with all benefits as given to the petitioner's juniors Mr.K.Lakshmanan and others and other similarly placed persons.

For petitioner : Mr.G.Elanchezhiyan

For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

The petitioner is a sweeper appointed through Employment Exchange and he has been working so from 1985 onwards. According to the petitioner, though he has rendered more than 30 years of service, his service has not been regularised while the services of his juniors were regularised. He made a representation dated 13.04.2015 to the respondents in this regard. But, the same has not so far been considered. Hence, he has come forward with this writ petition seeking a direction to the respondents to consider his request for regularisation in the post of Sweeper on time scale of pay.

2. In support of his above claim, the petitioner relies on a Government Order in G.O.No.528, P & AR Department dated 10.10.1988 and a clarification letter No.27293/Service F/88-I, P & AR (Ser F) Department, dated 23.01.1989 and also a judgement of this court dated 27.04.2015 made in W.P.No.12521 of 2013 [M.Poongavanam v. The State of Tamil Nadu and others].

3. The learned counsel for the petitioner, during the course of hearing of this writ petition, would, on instructions from the petitioner, submit that though the writ petition is for a larger relief, the petitioner would be satisfied if a suitable direction is issued to the respondents to consider his representation within a time frame to be fixed by this court. The said statement is recorded.

4. I have heard the learned Additional Government Pleader, who takes notice for the respondents as well.

5. Considering the above submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner's representation dated 13.04.2015 is already pending with the respondents, the respondents are directed to consider the representation of the petitioner in the light of the Government Order in G.O.Ms.No.528, P & AR Department dated 10.10.1988 and the judgement of this court referred to above and also in the light of the regularisation given to the similarly placed persons. The time to complete the above said exercise shall be twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Secretary, School Education Department, Secretariat, Chennai 600 009.
- 2.The Director of School Education, College Road, Chennai 600 006.
- 3.The District Educational Officer, Thiruppathur, Vellore District.
- 4.The Headmaster, Government Higher Secondary School, Vadacheri 635 754, Vellore District.

+1 cc to Mr.G.Elanchezhiyan, Counsel for Petitioner, Sr.32881.

+1 cc to Government Pleader, Sr.33338.

Vgi(co)
krd 16/7

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