

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22664 of 2015

D.Tamilselvan

... Petitioner

Vs.

- 1.The Secretary to Government,
Social Welfare and Nutritious
Meal Program Department,
Fort St.George,
Chennai - 600 009,
 2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005,
 3. The District Project Officer,
Integrated Child Development Scheme
Office, Thiruvannamalai District,
Thiruvannamalai,
 4. The Child Development Project Officer
Integrated Child Development Scheme,
Vembakkam, Tiruvannamalai District.
- ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents 1 and 2 to regularize the service of the petitioner in the cadre of Junior Assistant based on the proposal sent by the 4th respondent in his Na.Ka.No.364/2010 dated 24.6.2011 within a reasonable time.

For Petitioner : Mr.K.Venkataramani, Sr.Counsel
for Mr.M.Muthappan

For Respondents: Mr.S.Navaneethan,
Addl.Govt.Pleader,

ORDER

This writ petition has been filed by D.Tamilselvan under Article 226 of the Constitution of India seeking direction to the respondents 1 and 2 to regularize the service of the petitioner in the cadre of

Junior Assistant based on the proposal sent by the 4th respondent in his Na.Ka.No.364/2010 dated 24.6.2011 within a reasonable time.

2. Mr.S.Navaneethan, Additional Government Pleader takes notice for respondents.

3. Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner submitted that the petitioner's father late Devan died while serving as Assistant in the office of the Child Development Project Office at Vembakkam, Tiruvannamalai District. The 2nd respondent has considered the case of the petitioner and appointed him as Junior Assistant on compassionate ground on 22.7.2010 under Rule 10(a)(1) of State Subordinate Service Rules. The petitioner has been serving to the fullest satisfaction of the Officers in the Department. As a token of his satisfactory performance, a proposal has also been sent on 24.6.2011 by the 4th respondent to the 3rd respondent recommending his case for regularisation. The educational qualification of the petitioner has also been verified. The said proposal till date has not been considered. Hence, a direction may be issued to respondents 1 and 2 to consider the proposal pending for consideration and regularize the services of the petitioner in the cadre of Junior Assistant.

4. Considering the facts that the petitioner was appointed on compassionate ground on 22.7.2010, subsequently his educational qualification was also verified and a proposal dated 24.6.2011 has been sent by the 4th respondent - Child Development Project Officer, Integrated Child Development Scheme, Vembakkam to the 3rd respondent - District Project Officer, Integrated Child Development Scheme Office, Thiruvannamalai District for regularisation of the service of the petitioner, which has been forwarded to the 1st respondent, this Court has no hesitation to direct the respondents 1 and 2 to consider the said proposal dated 24.6.2011.

5. Therefore, the writ petition is disposed of directing the respondents 1 and 2 to consider the proposal dated 24.6.2011 sent by the 4th respondent to the 3rd respondent, which was forwarded to the 1st respondent, and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of copy of this order.

The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Secretary to Government,
Social Welfare and Nutritious
Meal Program Department,
Fort St. George,
Chennai - 600 009,

2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005,

3. The District Project Officer,
Integrated Child Development Scheme
Office, Thiruvannamalai District,
Thiruvannamalai,

4. The Child Development Project Officer
Integrated Child Development Scheme,
Vembakkam, Tiruvannamalai District.

1 cc to Mr..M.Muthappan , Advocate Sr.No.38596

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pmk.7.8.2015



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