

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22716 of 2015

S.Emima

... Petitioner

Vs.

- 1.The Secretary to the 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, Vellore District,
Vellore.
- ... 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 3rd respondent in his Na.Ka.No.1333/A1/2009 dated 12.03.2012 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 S.Emima 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 3rd respondent in his Na.Ka.No.1333/A1/2009 dated 12.3.2012 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 mother late Devi died while serving as Sanitary Worker in the office of the Integrated Child Development Programme, Chennai, therefore, the 2nd respondent has considered the case of the petitioner and appointed her as Typist on compassionate ground on 31.8.2007 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 22.10.2009 by the 3rd respondent to the 2nd respondent recommending his case for regularisation with subsequent reminders dated 23.3.2010, 4.11.2011 and 12.3.2012. The Junior Assistants appointed through Service Commissioner in the year 2013 were ordered to be promoted as Assistant by the 2nd respondent by orders dated 10.7.2015. However, the petitioner's services are not regularised. The said proposals till date have 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 31.8.2007, subsequently his educational qualification was also verified and a proposal dated 22.10.2009 and subsequent reminders have been sent by the 3rd respondent - District Project Officer, Integrated Child Development Scheme Office, Vellore District to the Director of Social Welfare, Chepauk, Chennai 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 22.10.2009 followed by the subsequent reminders dated 23.3.2010, 4.11.2011 and 12.3.2012.

5. Therefore, the writ petition is disposed of directing the respondents 1 and 2 to consider the proposal dated 12.3.2012 sent by the 3rd respondent to the 2nd 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/-
Asst.Registrar (LA)

/true copy/

Sub Asst. Registrar

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To

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

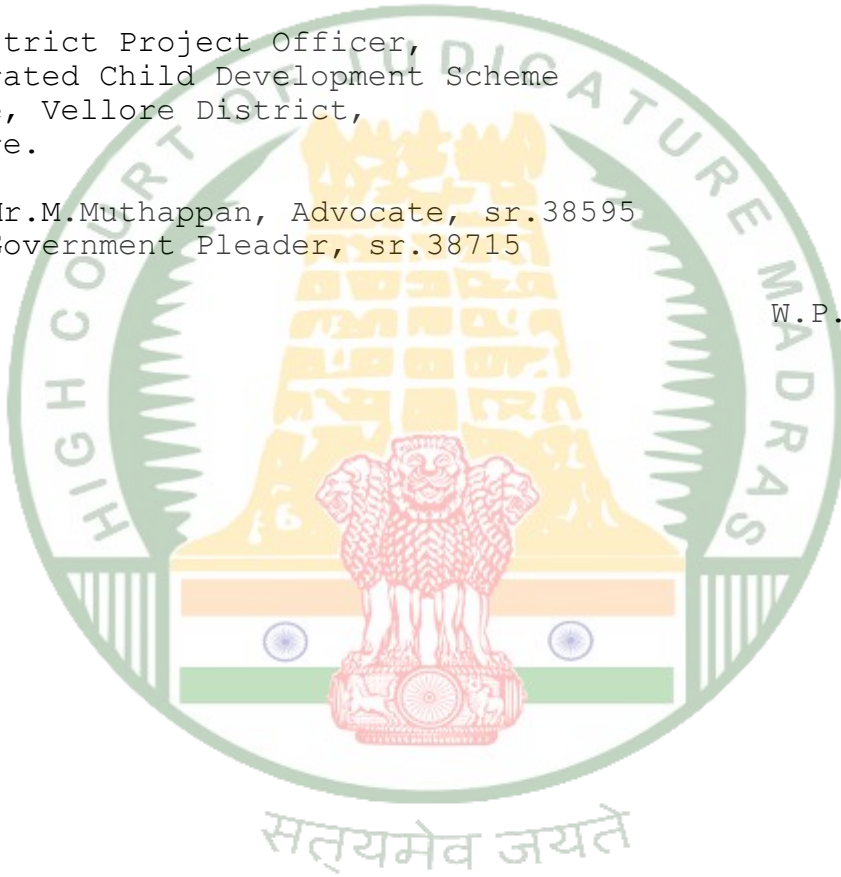
2. The Director of Social Welfare,
Chepauk,
Chennai - 600 005,

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

+1 cc to Mr.M.Muthappan, Advocate, sr.38595
+1 cc to Government Pleader, sr.38715

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