

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25915 of 2015

N.Murugan

...Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep by the Secretary to Government
School Education Department
Fort St. George
Chennai 9
- 2 The Secretary
Government of Tamil Nadu
Finance (Pay Cell) Department
Fort St. George Chennai 9
- 3 The Director of School Education
College Road
Chennai 6
- 4 The Chief Educational Officer
Coimbatore District
Coimbatore
- 5 The District Educational Officer
Pollachi
Coimbatore District
- 6 The Secretary
Sri Venkatakrishna Higher Secondary
School Khaniyur Udumalpet
Thirupur District.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the benefit of the G.O.Ms.No.385 Finance (Pay Cell) Department dated

1.10.2010 to the petitioner and to provide special time scale of pay of Rs.1300-3000 + 300 grade pay to the petitioner from 1.10.2010 with arrears of pay.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.K.Rajendra Prasad
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims that he was appointed as a Sanitary Worker on 24.09.1990 in the services of the sixth respondent on consolidated pay and the said Institution is receiving aid from the Government of Tamil Nadu and according to him, he is entitled to the benefits of G.O.Ms.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 as he has completed 16 years of service as on 01.01.2006. The petitioner in this regard, has submitted a representation and would further contend that in similar facts and circumstances, this Court vide order dated 02.12.2010 made in W.P.No.26888 of 2010 has passed appropriate orders for regularisation of the petitioner therein. However, the request of the petitioner was rejected on 31.12.2012 by the third respondent on the ground that the above said Government Order will not apply to the employees of the private schools.

3.It is the case of the petitioner that while G.O.Ms.No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013, a clarification has been issued that only full time temporary employees are entitled to regularisation on completion of ten years of service and the petitioner has also relied upon G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010 to buttress his claim and also submitted representations dated 17.02.2011 and 05.05.2012 and since he is yet to be favoured with any kind of response, came forward to file this writ petition.

4.Heard the submissions of Mr.R.Saseetharan, learned counsel appearing for the petitioner and Mr.K.Rajendra Prasad, learned Government Advocate who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of this

order as well as the copy of the earlier representations dated 17.02.2011 and 05.05.2012 within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same is directed to consider the claim of the petitioner in consultation with the second respondents and pass orders on merits and in accordance with law within a period of twelve weeks thereafter and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government
The Government of Tamil Nadu
School Education Department
Fort St. George
Chennai 9
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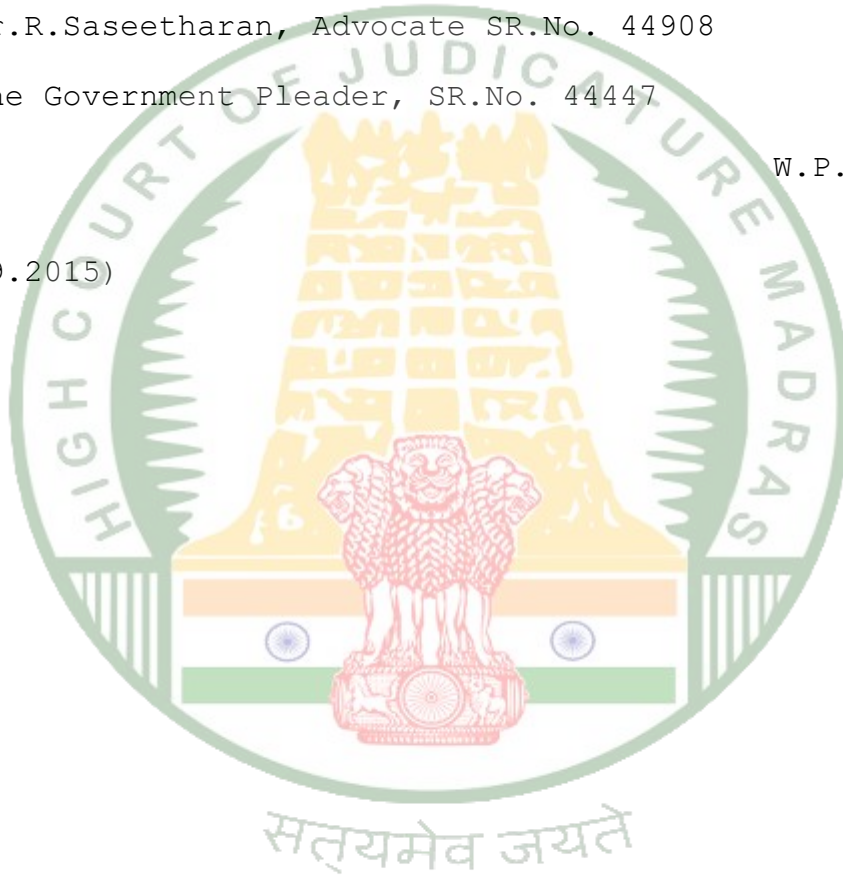
6 The Secretary
Sri Venkatakrishna Higher Secondary School
Khaniyur Udumalpet
Thirupur District

1 CC to Mr.R.Saseetharan, Advocate SR.No. 44908

1 CC to the Government Pleader, SR.No. 44447

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NM (CO)
PSI (08.09.2015)



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