

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32315 of 2015

1.K.Krishnammal
2.Mariammal
3.K.Mariappan
4.K.Mariappan
5.Govindammal

... Petitioners

Vs.

- 1 The Government of Tamil Nadu
Rep. by Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
- 2 The Director of School
Education, College Road,
Chennai-6.
- 3 The District Educational
Officer, Tirunelveli District,
Tirunelveli.
- 4 The Headmaster
Government Higher Secondary School
Veerasigamani, Sankarankoil Taluk,
Tirunelveli District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to deem the deceased employee namely, K.Krishnan, Sanitary Worker, Government Higher Secondary School, Veerasigamani, Sankarankoil, Thirunelveli District as regular employee for the purpose of terminal benefits and grant all the terminal benefits due to the service of the said deceased employee from the date of death i.e. 07.07.2001 to all the petitioners and to grant arrears of family pension and monthly family pension to the 1st Petitioner herein.

For Petitioners	: Mr.R.Saseetharan
For Respondents	: Mr.V.Subbiah
	Special Government Pleader

O R D E R

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

2.The husband of the first petitioner namely, K.Krishnan was appointed as part time Sanitary Worker on 24.05.1979 as per the list of candidates sponsored by the Employment Exchange and selection was done by way of interview and he was appointed in the said post at Government Higher Secondary School, Veerasigamani, Sankarankoil, Thirunelveli District. The jurisdictional Chief Educational Officer has also approved his appointment as part time Sanitary Worker on 03.06.1979 and though he has completed more than 22 years of service, he was not granted regular time scale of pay.

3.The Personal Administrative Reforms Department of the Government of Tamil Nadu vide G.O.Ms.No.528, dated 10.10.1988, has directed that part time employees who had completed ten years of service may be brought into regular time scale of pay and based on which the Director of School Education has also issued proceedings dated 02.10.1989 to that effect. However, the request made by the husband of the first petitioner on that ground was rejected by the jurisdictional District Educational Officer on 28.09.1992 on the ground that the petitioner has crossed the upper age limit and consequently, when the list of part time employees for regular appointment to Class IV of basic service, the name of the husband of the first petitioner has been omitted. The husband of the first petitioner died on 07.07.2001.

4.It is further stated that persons similarly placed like that of the husband of the first petitioner, had moved the Madurai Bench of this Court by filing W.P.(MD) No.2240 of 2006 and the Court vide order dated 08.09.2006, has passed a positive order and accordingly, the one Subramanian, a part time Sanitary Worker was given time scale of pay and similarly one Karupayeeammal, who was retired was also conferred with similar benefit by the District Educational Officer vide proceedings dated 04.06.2013. In this regard, the legal representatives of the deceased employee namely, K.Krishnan submitted representation dated 11.08.2011 to the respondents 1 to 3 and since no orders have been passed, came forward to file this writ petition.

5.Mr.R.Saseetharan, learned counsel appearing for the petitioner would submit that the Government has also passed G.O.Ms.No.68, School Education (R1) Department, dated 18.04.2013 in and by which, the services of as many as 90 part time employees were regularised and they were granted time scale of pay and since the husband of the first petitioner is similarly

placed, his legal representatives have to be conferred with similar benefit and prays for appropriate orders.

6.This Court also heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

7.Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances, permits the petitioner to submit one more representation to the respondents 1 to 4 by enclosing a copy of this order as well as the copy of the earlier representation 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 said representation on merits and in accordance with law in the light of the above cited Government Order and pass orders within a period of ten weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government of Tamil Nadu
Government, School
Education Department, Fort St. George,
Chennai-9.
- 2 The Director of School
Education, College Road, Chennai-6.
- 3 The District Educational
Officer, Tirunelveli District, Tirunelveli.
- 4 The Headmaster
Government Higher Secondary School
Veerasigamani, Sankarankoil Taluk,
Tirunelveli District

+ 1 cc to Mr.R. Saseetharan, Advocate SR.56195
+ 1 cc to Government Pleader SR.55985

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VGI(CO)
Eu 28.10.15