

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34371/2015 & MP.No.1/2015

- 1.R.Jayakodi
- 2.T.Lakshmi
- 3.M.Madhan Kumar
- 4.R.Munivaradhan
- 5.S.Raman
- 6.D.Ranganayaki
- 7.K.vishnu Srikumar
- 8.C.Anish
- 9.K.Malathi
- 10.V.Selvaraju
- 11.K.Jeganath
- 12.R.Manikandan
- 13.R.Saravanan
- 14.K.Vijayarani
- 15.T.Pradeep Kumar
- 16.G.Vikram

... Petitioners

Vs

- 1.The Chief Secretary
The Government of Tamilnadu
Secretariat, Fort St George, Chennai 600 009.
- 2.The Secretary
Government of Tamil Nadu
Department of Education,
Secretariat, Fort St George, Chennai 600 009.
- 3.The Director of Public Library
No.737/1, Anna Salai, Chennai 600 002. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to regularise the service of the petitioners in their respective posts by implementing the directions of this Court passed in WP.Nos.25676, 28728, 25562, 25573 and 29823/2011 dated 24.08.2015 with all attendant and consequential benefits.

For Petitioners : Mr.V.Parthiban for
M/s.Mission Legal Advocates

For Respondents : Mr.V.Subbiah, Spl.GP

ORDER

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

2 The petitioners would state that they are the employees of Anna Centenary Library located at Kotturpuram, Chennai and they are working in temporary capacity as Electrician, Attender, Computer Operator, AC Mechanic, Daily Wager etc., and their services have been engaged ever since the year 2009 and they continue to work on a consolidated monthly wages without any break and they have got all necessary and essential qualification to become permanent employees in the said posts. The petitioners, in this regard, have repeatedly approached the respondents praying for regularisation of their services. The School Education Department has issued G.O.Ms.No.47 dated 03.03.2010, creating certain posts in the time scale of pay and subsequently, G.O.Ms.NO.182 was issued by the very same Department on 07.07.2010, sanctioning to fill up 108 unclassified posts on temporary basis, since the requirement is perennial and permanent for effective functioning of the Institution. With regard to the alleged shifting of the said Library, WP.No.25676/2011 etc., batch, [S.T.MANONMANI AND OTHERS Vs. THE GOVERNMENT OF TAMILNADU REP. BY THE CHIEF SECRETARY, SECRETARIAT, CHENNAI-9 AND OTHERS] were filed and the First Bench of this Court has appointed a committee, who after inspection, has submitted its report, based on which, the writ petitions have been disposed of on 24.08.2015, by taking note of the representation of the Employees Welfare Association and it was also observed that the Service Rules should be brought into force and the vacant post is to be filled up and the matter to be examined for enhancement of posts, so that the facilities in the Library are fully functional.

3 Learned counsel for the petitioners would submit that in the light of the observations made by the First Bench of this Court, in the above cited common order dated 24.08.2015 coupled with the Government orders, the request of the petitioners for regularisation of their services may be sympathetically considered by the official respondents and prays for appropriate orders.

4 Per contra, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that admittedly, the petitioners were appointed in the Library to meet the immediate needs of the Library and therefore, as a matter of right, the petitioners cannot claim regularisation of their services and hence, prays for dismissal of this writ petition.

5 This Court considered the rival submissions made on either side and also perused the materials placed before it.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents 2 and 3 to consider and dispose of the petitioners' representation dated 29.07.2015 on merits and in accordance with law, after taking note of the common order passed by the First Bench in WP.Nos.25676, 28728, 25562, 25573 and 29823/2011 dated 24.08.2015 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Chief Secretary
The Government of Tamilnadu
Secretariat, Fort St George, Chennai 600 009.
- 2.The Secretary
Government of Tamil Nadu
Department of Education,
Secretariat, Fort St George, Chennai 600 009.
- 3.The Director of Public Library
No.737/1, Anna Salai, Chennai 600 002.

+1 cc to M/s.Mission Legal Advocates, sr.58902
+1 cc to Government Pleader, sr.59276

W.P.No.34371/2015

mp co
kra 22.12.2015