

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11350 of 2016

M.Chella Durai

... Petitioner

-Vs-

1. The Chief Educational Officer  
Udhagamandalam  
The Nilgiris District
2. The District Educational Officer  
Coonoor, The Nilgiris District
3. The Correspondent  
C.S.I. Higher Secondary School  
Ketti Post, The Nilgiris District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a writ of Mandamus, directing the respondents particularly the first and second respondents to regularize the period of service of the petitioner from 23.02.2007 to 27.01.2010 in the cadre of B.T. Assistant (History) and to confer all consequential service and monetary benefits by considering the proposal dated 21.01.2015 sent by the third respondent within the time limit, prescribed by this Court.

For Petitioner : Mr.P.Ganesan

For R1 and R2 : Mr.S.Gunasekaran  
Additional Government Pleader

ORDER

The petitioner, Mr.M.Chelladurai, has filed this writ petition for issuance of a writ of mandamus directing the respondents to regularize his services from 23.02.2007 to 27.01.2010 in the cadre of B.T. Assistant (History) and to confer all consequential service and monetary benefits by considering the proposal dated 21.01.2015 sent by the third respondent.

2. Heard the learned counsel for the petitioner. Mr.S.Gunasekaran, learned standing counsel takes notice on behalf of the respondents 1 and 2.

3. The petitioner, aggrieved by the order of transfer dated 22.02.2007 has filed a writ petition in WP.No.7899 of 2007 and this Court, considering the merit of the case, has granted an order of stay on 02.03.2007. Ultimately, the said writ petition was allowed on 16.12.2009. Thereafter, the District Educational Officer approved the appointment of the petitioner in the month of August 2010. Subsequently, the petitioner made a request to the respondents to regularise his services from 23.02.2007, the date of order of transfer, to 27.01.2010, the date on which his service as B.T. Assistant (History) was approved by the respondents.

4. It is the grievance of the petitioner that though the Management of the School has sent a proposal to the respondents on 21.01.2015, till date, no order has been passed by the respondents.

5. Admittedly, the petitioner has filed the writ petition in WP.No.7899 of 2007 questioning the correctness of the order of transfer dated 22.02.2007 and this Court, while allowing the writ petition, by order dated 16.12.2009, has set aside the order of transfer. Pursuant to the said direction, a recommendation was also made by the third respondent to the second respondent and the same is pending before the respondents 1 and 2.

6. In view of the above, the respondents 1 and 2 are directed to regularise the service of the petitioner from 23.02.2007 to 27.01.2010 in the cadre of B.T. Assistant (History) and to confer all consequential service and monetary benefits by taking note of the proposal dated 21.01.2015 made by the third respondent, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is allowed. No costs.

Sd/-  
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Educational Officer  
Udhagamandalam  
The Nilgiris District
2. The District Educational Officer  
Coonoor, The Nilgiris District
3. The Correspondent  
C.S.I. Higher Secondary School  
Ketti Post, The Nilgiris District

+1cc to Mr.K.Premnath, Advocate, S.R.No.19572  
+1cc to the Government Pleader, S.R.No.19384

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SR(CO)  
CA(07/04/2016)



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