

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.Nos.8242 of 2011 to 8244 of 2011

N.Jayaseelan	.. Petitioner in W.P.No.8242 of 2011
A.Mallika	.. Petitioner in W.P.No.8243 of 2011
C.Ravanamma	.. Petitioner in W.P.No.8244 of 2011

.Vs.

- 1.State of Tamil Nadu rep.by its Secretary,
Youth Welfare & Sports Development Dept,
Secretariat, Chennai 600 009.
 - 2.The Director,
National Cadet Corps Directorate,
Tamilnadu, Pondicherry and Andhaman Nichobar,
Fort St.George, Chennai 600 009.
 - 3.Group Commander,
NCC Group Headquarters,
Madras 'B'
161, Periyar EVR High Road,
Kilpauk, Madras 600 010
- .. Respondents in all W.Ps.

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the respondents to regularise the service of the petitioner in time scale of pay by considering the representation of the petitioners' dated 20.09.2010.

For petitioners : Mr.Ganesan for
M/s.C.S.Associates

For R1 : Mr.V.S.Ramesh

Government Advocate
For R2 and R3 : No Appearance

COMMON ORDER

All these writ petitions are filed to direct the respondents to regularise the services of the petitioners in time scale of pay by considering the representation of the petitioners' dated 20.09.2010.

2.The learned counsel for the petitioners submits that the petitioners in all these writ petitions are employed as sweepers on consolidated pay under contingent fund. The petitioners have been continuously working without any break for more than 15 years. In spite of their long services, the respondents have not regularised their services and hence, the petitioners claimed to have given the representations dated 20.09.2010 seeking for regularisation in time scale of pay together with all consequential benefits. Since the representations were not considered by the second respondent, the present writ petitions are filed before this Court.

3. Mr.V.S.Ramesh, learned Government Advocate appearing on behalf of the first respondent would submit that in the year 2010, the Government had issued orders in G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 to the effect that the services of the Sweepers who are under

employment of the Government and local bodies on daily wages and on consolidated pay, may be brought under Special Time Scales of Pay of Rs.1300-3000 + G.P.Rs.300/-, provided that they have put in not less than three years of services under the Government. He would further submit that the services of the petitioners have already been brought under Special Time Scale by the first respondent with effect from 19.12.2012 and hence, these writ petitions are liable to be rejected.

4. I have carefully considered the submission of Mr.Ganesan, learned counsel for the petitioner and Mr.V.S.Ramesh, learned Government Advocate for the first respondent.

5. The Government had earlier issued many orders to regularise the services of the employees who have completed more than 10 years. The petitioners came to be appointed as part time sweepers on the basis of the request of the Deputy Director General, National Cadet Corps, Chennai stating that they have not been sanctioned with the post of sweepers for their department and therefore, requested appointment of full time' sweepers for their five NCC Group Headquarters. Inspite of their request for full time sweepers, the petitioners along with others were appointed as part-time sweepers.

6. It is in this background that the petitioners have been continuing as part-time sweepers. There is no justification on the part of the respondents to place the petitioners under special time scale of pay, after having extracted their services for more than 15 years. The services of the petitioners are liable to be regularised in regular time scale of pay.

7. Under such circumstances, there shall be a direction to the second respondent to consider the representation given by the petitioners dated 20.09.2010 and consequently, regularise their services in time scale of pay and such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions are allowed. No costs.

25.10.2016

Index : Yes/No
Internet : Yes/No
kkd

To

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M.S.RAMESH,J

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