

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.07.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Writ Petition Nos.21554 and 21555 of 2016

K.Mahalingam ... Petitioner in W.P.21554/2016
K.Duraisamy ... Petitioner in W.P.21555/2016

Vs.

1. The State rep. by
The Secretary, Higher Education (2)
Department, Secretariat,
Fort St., George, Chennai - 600 009.
2. The Commissioner of
Technical Education,
Directorate of Technical Education,
(Engineering), Guindy,
Chennai - 600 025.
3. The Principal,
Government Engineering College,
Salem -11. ... Respondents in both W.Ps.

Petitions filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents to pay each year's salary increment and other service benefits from the date of regularization viz., 30.03.2006 and pay the arrears thereof, consequently, direct the respondents to pay terminal benefits payable to the petitioners upon their retirement.

For Petitioner .. Mr.M.Elango

For Respondents .. Mr.M.S.Ramesh, AGP.

COMMON ORDER

The petitioner in W.P.No.21554 of 2016 was appointed as Watchman in the third respondent's College and at that time, his salary was fixed at Rs.20/- per day. The Petitioner in W.P.No.21555 of 2016 was appointed as Sanitary Worker in the third respondent's College and at that time, his salary was fixed at Rs.10/- per day. The petitioners and others who were working in the third Respondent College for a long time, made a representation to the first respondent seeking regularization of their services.

2. Thereafter, the petitioners filed W.P.No.6463 of 2005 for a mandamus to direct the respondents to consider the representation of the petitioners. Pursuant to the order of this Court dated 28.02.2005 made in W.P.No.6463 of 2005, the Higher Education Department passed an order G.O.Ms.No. 113 for regularizing the services of the petitioners with effect from 30.03.2006. Thereafter, the services of the petitioners were regularized by the Respondents with effect from 30.03.2006. However, the respondents had not raised the salary of the petitioners for each year as per the pay commissions recommendations. Thereafter, the petitioners made representations respectively dated 24.5.2016 and 23.5.2016 to the respondents seeking to increase the salary of the petitioners for each year and for consequential retirement benefits.

3. In a writ petition filed by one of the co-workers namely C.Govindaraj in W.P.No.22702 of 2015, claiming retirement benefits, this Court passed an order dated 31.7.2015 directing the respondents to count 50% of service rendered before regularization along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules.

4. Since the respondents have not considered the representations of the petitioners dated 24.5.2016 and 23.5.2016, the petitioners have come up with the present writ petitions for the reliefs stated supra.

5. Considering the facts and circumstances of the case and the order passed by this Court in W.P.No.22702 of 2015, dated 31.7.2015, without going into the merits of the case, the respondents are directed to consider the representations of the petitioners dated 24.5.2016 and 23.5.2016 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gr.

To

1. The Secretary, Higher Education (2)
Department, Secretariat,
Fort St., George, Chennai - 600 009.
2. The Commissioner of
Technical Education,
Directorate of Technical Education,
(Engineering), Guindy,
Chennai - 600 025.
3. The Principal,
Government Engineering College,
Salem -11.

+2cc to Mr.M.Elango, Advocate Sr.37752
+1cc to the Government Pleader Sr.38013

सत्यमेव जयते

W.P.Nos.21554 and 21555 of 2016

PVS[co]
srg 12/08/2016

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