

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.33721 of 2016

and WMP.Nos.29101 & 29102 of 2016

1.A.Elumalai

2.K.Venu

.. Petitioners

vs.

1.The State of Tamilnadu Rep by
The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-9.

2.The Director of Adi Dravidar
Welfare Department,
Directorate, Ezhilagam,
Chepauk, Chennai-5.

3.The District Adi Dravidar &
Tribal Welfare Officer,
Vellore-9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in connection with the order passed by him in his Proc.Na.Ka.No.03/29474/2013 dated 14.03.2016, quash the same and direct the respondents to regularize the service of the petitioners in the post of Sweeper Cum Scavenger with effect from the date of their initial appointment with all monetary and service benefits.

For Petitioner : Mr.R.Singaravelu, Senior Counsel
for M/s.M.Srividhya

For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader for R1 and R2

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus to quash the order of the second respondent in Proc.Na.Ka.No.03/29474/2013 dated 14.03.2016 and consequently direct the respondents to regularize the service of the petitioners in the post of Sweeper cum Scavenger with effect from the date of their initial appointment with all monetary and service benefits.

2. The petitioners were appointed to the sanctioned post of Sweeper cum Scavenger with effect from 26.8.1996 and 11.03.1987 respectively and from the date of appointment, they have been regularly working without any blemish and inspite of several reminders and Government Orders, their service were not regularized. Therefore, they earlier filed W.P.No.37002 of 2015 before this Court praying for a direction to the respondents to regularize their service with effect from the date of their initial appointment with all monetary and service benefits and this Court, vide order dated 20.11.2015, has directed the second respondent to consider and dispose of the petitioners' representation dated 30.10.2015 in accordance with law and pass orders within a period of eight weeks. Thereafter, the second petitioner, after putting in 29 years of long and lengthy service, retired on 31.03.2016 and his service ought to have been regularized as per G.O.Ms.No.74 dated 27.06.2013. However the petitioners request was rejected, vide impugned order dated 14.03.2016. Challenging the same, the present writ petition is filed.

3. When the matter is taken up for consideration, Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioners has drawn the attention of this Court to the order dated 04.08.2014 made in Rev.Appl.No.207/2014 in W.P.No.13168/2013, order dated 08.12.2014 made in Rev.Appl.No.281/2014 in W.P.No.13162/2013 and the order dated 19.12.2014 made in W.P.No.33950 of 2014, wherein in identical situation, this Court has given positive directions and hence, following the same, prays for similar orders.

4. Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that the above cited orders relied on by the learned Senior Counsel appearing for the petitioners only pertains to grant of Time Scale of Pay to part time Sweepers and not with regard to their regularization and prays for dismissal of this writ petition.

5. In the light of the above facts and circumstances, this Court is not inclined to quash the impugned order. However, the petitioners are at liberty to give fresh representation to the

respondents along with a copy of this order and the respondents, on receipt of the same, are directed to consider the same with regard to reviewing of its earlier order in the light of the order dated 04.08.2014 made in Rev.Appl.No.207/2014 in W.P.No.13168/2013, order dated 08.12.2014 made in Rev.Appl.No.281/2014 in W.P.No.13162/2013 and the order dated 19.12.2014 made in W.P.No.33950 of 2014 and pass orders on merits and in accordance with law, as expeditiously as possible.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Secretary to Government,
The State of Tamilnadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-9.
- 2.The Director of Adi Dravidar Welfare Department,
Directorate, Ezhilagam,
Chepauk, Chennai-5.
- 3.The District Adi Dravidar & Tribal Welfare Officer,
Vellore-9.

+1cc to Mr. M. Srividhya, Advocate, S.R.No.57987
+1cc to the Government Pleader, S.R.No.58227

gm1 (CO)
md (8/11/2016)

W.P.No.33721 of 2016