

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34317 of 2016

Kamalanathan

... Petitioner

Vs.

- 1 The Secretary, Higher Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai-9.
- 2 The Director of Technical Education,
Guindy, Chennai-25.
- 3 The Principal
Thanthai Periyar Government Engineering College,
Vellore Post & District, Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to regularize the services of the petitioner in terms of the recommendations of the 3rd respondent dated 06.11.2009 with all service and monetary benefits.

For Petitioner : Mr.P.L.Thirumoorthy
For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus

directing the first respondent to regularize the services of the petitioner in terms of the recommendations of the third respondent dated 06.11.2009 with all service and monetary benefits.

3.The petitioner would state that he was appointed as Sanitary Worker on 08.01.1999 by the third respondent as a daily wage worker in the regular sanctioned post and he joined the said post on 11.01.1999 and is continuously working and his services have not yet been regularised. The petitioner in this regard, has made several representations to the respondents, but his request was not considered. Hence, he filed W.P.No.7705 of 2007 and this Court vide order dated 01.03.2007, directed the respondents to consider the petitioner's representation for regularization, but the same was negatived by the first respondent on 20.11.2007, on the ground that he did not complete 10 years of service as on 01.01.2006 in terms of G.O.22.

4.The petitioner would further state that thereafter, he sent a representation dated 27.03.2007, to the second respondent through the third respondent and the third respondent has also forwarded his recommendations dated 27.03.2007, to the second respondent along with the petitioner's representation. Thereafter, the second

respondent has sought for full particulars of the petitioner from the third respondent and the third respondent also vide letter dated 06.11.2009 sent the full particulars of the petitioner along with his recommendations to the second respondent. Thereafter, the petitioner was informed by the second respondent vide letter dated 18.05.2010 that relying on the first respondent's letter dated 27.04.2010, his claim for regularization is under consideration. Since, his service has not yet been regularised, the petitioner, left with no other alternative, has come forward with this writ petition.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

6. Considering the submissions made on either side and without going into the merits of the same, this Court directs the first respondent to pass appropriate orders with regard to regularization of the services of the petitioner in terms of the recommendations of the third respondent dated 06.11.2009, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

R.SUBBIAH,J.
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7.The writ petition is disposed of accordingly. No costs.

29.09.2016

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Index: Yes / No

Internet: Yes / No

To

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