

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.40699 of 2016

P.Arumugam

... Petitioner

vs.

1.The Government of Tamil Nadu,
rep. by its Secretary,
Social Welfare and Nutritious Meal
Department,
Fort St. George, Chennai-9.

2.The Commissioner,
Office of the Commissionerate,
Social Welfare Department,
Chennai-32.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation dated 3.10.2016 of the petitioner and to pass orders thereof on merits within a specified period that may be indicated by this Court.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 3.10.2016 and to pass orders thereof on merits within a specified period that may be indicated by this Court.

3. It is the case of the petitioner that he was appointed as a Vocational Instructor through employment exchange on 15.11.1995 and posted in the office of the Assistant Director, Government Service Home Girls Higher Secondary School,

Tambaram, Sanitorium, Chennai. Subsequently, identically places persons like that of the petitioner, were regularized by the Government as Vocational Instructors in time scale of pay in education department. As far as the petitioner is concerned, since he possesses degree and diploma, he is entitled to be regularized in the service in the scale of pay applicable to BT Assistants. However, instead of regularizing his service, he was allowed to work on consolidated pay. The Government has also issued G.O.Ms.No.820 Backward Classes Welfare, Nutritious Meal Programme and Social Welfare Department dated 23.9.1989 directing to implement all the orders issued by the education department to the staff working in the institutions run by the Social Welfare Department. Based on such policy decision of the Government, all the vocational instructors in the education department have been regularized in time scale of pay. Hence, he made a representation on 30.4.2008 to the respondents seeking regularization of his service. Since the same was not considered, he filed a writ petition before this Court in W.P.No.4320 of 2010 and this Court, by order dated 3.4.2012 directed the respondents to consider his representation. Since the said order was not complied with, the petitioner filed a contempt petition before this Court and during the pendency of the contempt petition, his request was rejected on the ground that the petitioner did not possess the requisite qualification for conferring the scale of pay of BT Assistant. But, the petitioner has possessed B.Ed., through Annamalai University during May 2014 and he has also passed M.Sc. (Zoology) through Annamalai University during August, 2016. Therefore, he is fully qualified for regularization of his service in BT Assistant cadre. In this regard, he sent a representation dated 3.10.2016 to the respondents. Since the same was also not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 3.10.2016 seeking regularization of his service and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ

petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Secretary to Government,
The Government of Tamil Nadu,
Social Welfare and Nutritious Meal
Department,
Fort St. George, Chennai-9.

2.The Commissioner,
Office of the Commissionerate,
Social Welfare Department,
Chennai-32.

+1 cc to M/s.P.Ganesan Advocate sr 67423

+1 cc to Government Pleader sr 68346

W.P.No.40699 of 2016

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