



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2016

C O R A M

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.22512 of 2016

A.Malaichamy

..Petitioner

Vs.

1.The Secretary,
Higher Education Department,
Govt. of Tamil Nadu,
Secretariat, Chennai.

2.The Commissioner,
Technical Education Department,
Chennai .

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st Respondent herein to pass orders regularizing the Petitioner in the permanent vacancy on a regular time scale of pay as per the recommendation made by the Chief Engineer, Technical Education in Proposal Letter No. 7572/A2/98 dated 21.12.2012 within the time stipulated by this Honble Court.

For Petitioner

... Mr.F.Deepak

For Respondents

... Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the first Respondent to pass orders regularizing the service of the Petitioner in the permanent vacancy on a regular time scale of pay as per the recommendation made by the Chief Engineer, Technical Education in Proposal Letter No. 7572/A2/98 dated 21.12.2012, within a stipulated time.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3.The petitioner was originally appointed as a Helper on daily wages basis at Technical Educational Division in Madurai Tamil Nadu Polytechnic, in the year 1995. The Government passed G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, providing regularisation of the services of those employees, who have completed 10 years of employment. Thereafter, the petitioner filed a writ petition in W.P.(MD) No.7503 of 2007 to consider his claim for appointment on a regular time scale of pay to any eligible posts and to regularise the



services as per the Government Order and extend all consequential benefits arising thereto.

4.This Court by order dated 17.08.2012 had allowed the writ petition directing the respondents to give regular time scale of pay and also to regularise the services of the petitioner. Based on the order passed in the writ petition, the Chief Engineer, Technical Education has submitted a proposal dated 21.12.2012 recommending the regularisation of the service of the petitioner. The first respondent is the competent authority to pass orders regularising the service of the petitioner as per Government Order and to extend all the benefits. As it is not done by the first respondent, this writ petition has been filed.

5.Under such circumstances, the first respondent is directed to consider the claim of the petitioner, in the light of the representation of the petitioner, dated 12.02.2016 and considering the proposal sent by the Chief Engineer, Technical Education, dated 21.12.2012 and also in the light of the order passed by this Court in W.P.(MD)Nos.7502 to 7505 of 2007, dated 17.08.2012, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar (CS)

To

1.The Secretary,
Higher Education Department,
Govt. of Tamil Nadu,
Secretariat, Chennai.

2.The Commissioner,
Technical Education Department,
Chennai.

+1cc to the Special Government Pleader in SR.72672

+1cc to Mr.F.Deepak, Advocate in SR.72484

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PBK/SS-2-KSM 18.01.2017 ::2P-5C: