

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30735 of 2017

G.Balasundaram

Petitioner

-VS-

1. State of Tamil Nadu rep.by its Secretary
School Education Department
Fort St.George
Chennai 600 009

2. The Director of Elementary School Education
DPI Campus, College Road
Chennai 600 006

3. The District Elementary Educational Officer
Tiruvannamalai District

4. The Assistant Elementary Educational Officer
Vembakkam Panchayat Union
Vembakkam
Tiruvannamalai District

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to regularize the services of the petitioner on completion of 10 years of service from the initial date of appointment on 07.09.1981 with all monetary benefis as was extended to the identically placed individuals in G.O.Ms.No.111 dated 08.05.2012 and G.O.Ms.No.105 dated 18.07.2012 or in the alternative grant the petitioner with time scale of pay on completion of 10 years of service on the application of

principle of equal pay for equal work.

For Petitioner :: Mrs.Dakshayani Reddy

For Respondents :: Mr.R.A.S.Senthilvel
 Additional Government Pleader

ORDER

The petitioner, having put in 36 years of service in the fourth respondent office as part-time Scavenger/Sanitary Worker, has come to this Court seeking a mandamus directing the respondents herein to regularize the services of the petitioner on completion of 10 years of service from the initial date of appointment on 7.9.1981 with all monetary benefis, as it was extended to the identically placed individuals in G.O.Ms.No.111 dated 08.05.2012 and G.O.Ms.No.105 dated 18.07.2012 or in the alternative grant the petitioner with time scale of pay on completion of 10 years of service on the application of principle of equal pay for equal work.

2. Learned counsel for the petitioner, taking support from an order passed by me in W.P.No.27607 of 2010 dated 23.12.2010 (V.Dharman and others v. The Secretary to Government, Education Department and others), submitted that when 82 similarly placed part-time Sweepers came to this Court with the aforementioned writ petition seeking a mandamus to the respondents therein to regularise their services in the light of the G.O.Ms.No.505, Finance (KaKa2) Department dated 14.10.2009, G.O.(2D) No.32, Finance (Ka.Ka)

Department dated 26.3.2010 and G.O.Ms.No.88, School Education (R1) Department dated 9.4.2010 etc., this Court, taking note of the factor that the part-time Sweepers/Sanitary Workers appointed by the Education Department have been allowed to continue in service for 20 long years, directed the Director of School Education, the second respondent therein to consider their case, in the light of the earlier orders passed by this Court in W.P.(MD) Nos.6700 to 6705 of 2008 etc., dated 4.12.2008. In the present case, since the petitioner has got an additional 16 more years of service than those persons i.e., 36 years as part-time Sweeper in the office of the fourth respondent, the petitioner, who failed to join with similarly placed persons to get the benefit of the order dated 23.12.2010, can be given the same benefit, she pleaded.

3. The learned Additional Government Pleader for the respondents sought for four weeks time to consider the request of the petitioner.

4. Since the learned counsel for the petitioner claims that the petitioner has been in service for more than 36 long years as part-time Sweeper, the respondents shall consider the case of the petitioner for regularisation, in the light of the earlier orders passed by this Court in W.P.(MD) Nos.6700 to 6705 of 2008 etc., dated 4.12.2008 followed in W.P.No.27607 of 2010 dated 23.12.2010 along with G.O.Ms.No.111, School Education Department dated 9.5.2012 and G.O.(3D)No.105, School Education Department dated 18.7.2012, and pass appropriate orders within a period of four weeks from the date of receipt of a

copy of this order. The writ petition is disposed of accordingly. No costs.

Speaking/Non speaking order

28.11.2017

Index : yes/no

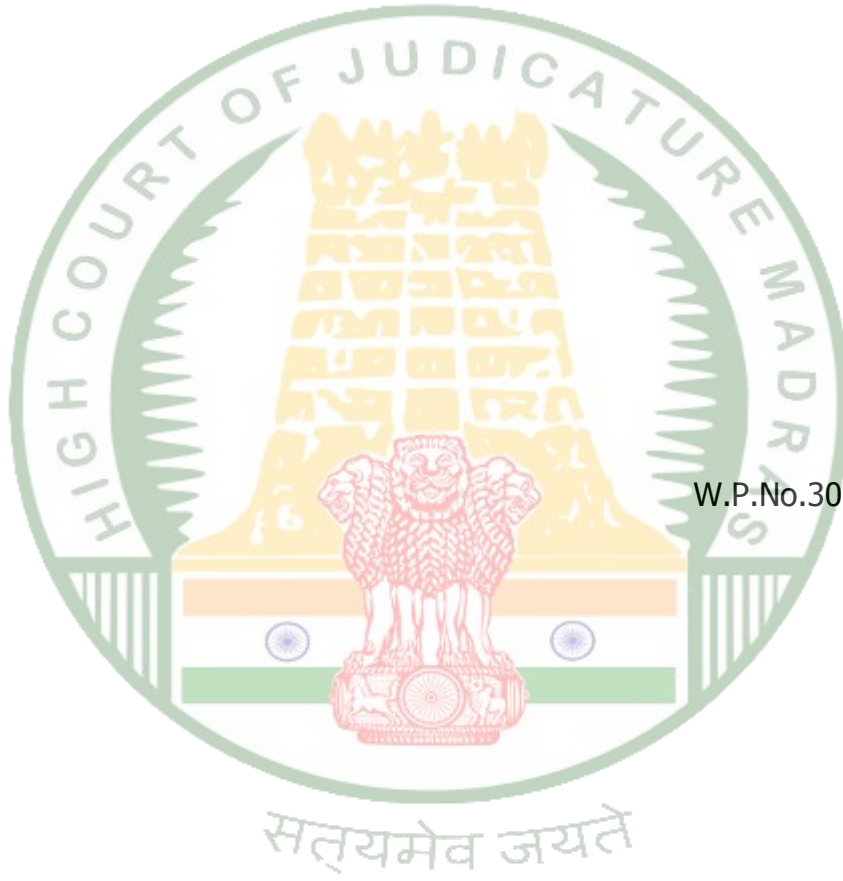
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To

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