

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 1538 of 2017

P. Vellaichamy

..Petitioner

Vs.

1. State rep. by  
The Secretary,  
Higher Education (2) Dept.,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. The Commissioner of Technical  
Education,  
Directorate of Technical Education  
(Engineering),  
Guindy, Chennai - 600 025.
3. The Principal,  
Alagappa Chettiar Engineering College,  
Karaikudi,  
Sivagangai District. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 to pay each year's salary increment and other service benefits from the date of regularisation viz., 30.03.2006 and pay the arrears thereof by considering the petitioner's representation dated 30.05.2016.

For Petitioner :: No appearance  
For Respondents :: Mr.K. Dhananjayan,  
Special Govt. Pleader

O R D E R

Counsel for the petitioner is absent. Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2.

2. The petitioner, in the affidavit filed in support of the writ petition, would aver, among other things, that he was appointed as a Gardener, in the service of the 3<sup>rd</sup> respondent College, on daily wages basis and on 01.06.2006, he was transferred as a Sanitary Worker and he along with 15 others, made representations to the 1<sup>st</sup> respondent, through proper channel, praying for regularisation of their service. Since the representations submitted, in this regard, were not considered, W.P. No. 6463 of 2005 was filed by the petitioner and others, praying for consideration of their representations, for regularisation of their service and pursuant to the orders passed in the said writ petition, the 1<sup>st</sup> respondent issued G.O.Ms. No. 113 Higher Education (C2) Department dated 30.03.2006, regularising the service of the petitioner along with others and the name of the petitioner was placed at Serial No. 14 and pay and other allowances were also directed to be paid, from the date of his absorption. The grievance expressed by the petitioner is that though his service was regularised on 30.03.2006, pay, other allowances as well as increments have not been paid to him. Though he has submitted representations dated 30.05.2016 to the 3<sup>rd</sup> respondent as well as to the 2<sup>nd</sup> respondent, through proper channel, which have been received and acknowledged, they are yet to be disposed of and therefore, came forward to file the present writ petition.

3. This Court heard the submissions of Mr.K. Dhananjayan, learned Special Government Pleader, who appears for respondents 1 and 2.

4. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation or in the writ petition, directs respondents 2 and 3 to consider the petitioner's representation dated 30.05.2016, on merits and in accordance with law, after taking into consideration, G.O.No. 113 Higher Education (C2) Department dated 30.03.2006 and pass orders, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken thereon, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv  
To

1. State of TN rep. by  
The Secretary,  
Higher Education (2) Dept.,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. The Commissioner of Technical  
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Directorate of Technical Education  
(Engineering),  
Guindy, Chennai - 600 025.
3. The Principal,  
Alagappa Chettiar Engineering College,  
Karaikudi,  
Sivagangai District.

+1cc to Mr.M. Elango, Advocate, S.R.No.4306  
+1cc to the Government Pleader, S.R.No.4303

gjII(CO)  
md(06/02/2017)

W.P. No. 1538 of 2017

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