

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.6876 of 2013

S.Sivamurugan

... Petitioner

Vs.

1.The Secretary to Government
Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Director of School Education,
(Higher Secondary),
College Road, Chennai 600 006.

3.The Joint Director,
School Education Department,
(Personnel Division),
Higher Secondary College Road,
Chennai 600 006.

4.The District Educational Officer,
Salem, Salem District.

5.The Head Master,
Govt.Girls Higher Secondary School,
Yethapur, Pl.G.Palayam (post),
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.03.2013 to regularise the services of the petitioner in the light of the G.O.Ms.No.22 personnel and Administrative reforms (F) Department dated 28.02.2006 and order passed by the Hon'ble Division bench of this Court in W.A.No.1520 of 2010 dated 25.10.2010 and to give consequential benefits arising out of such regularisation.

For Petitioner	..	Mr.R.Ganesh Babu
For Respondents	..	Mr.R.Govindasamy Spl.Govt.Pleader

ORDER

This writ petition has been filed to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 09.03.2013 to regularise the services of the petitioner in the light of the G.O.Ms.No.22 Personnel and Administrative reforms (F) Department dated 28.02.2006 and order passed by the Hon'ble Division bench of this Court in W.A.No.1520 of 2010 dated 25.10.2010 and to give consequential benefits arising out of such regularization.

2. It is the case of the petitioner that he joined as Office Assistant on 01.09.1998 under the 5th respondent viz., the Head Master, Govt.Girls Higher

Secondary School, Yethapur, Pl G.Palayam (Post) Salem District. The petitioner gave a representation on 01.03.2013 to regularise his service in the fifth respondent-school. Even though, the petitioner has put in more than ten years of service, his service has not yet been regularised.

3. The Government of Tamil Nadu in G.O.Ms.No.22, Personnel and Administrative Reforms (f) Department dated 28.02.2006 issued an order to regularise the employees working in various departments on their completion of 10 years of service. Applying the said G.O., the petitioner was entitled to get his service regularised from the date of completion of 10 years of service i.e., from 01.09.2008. The petitioner has given a representation to the 5th respondent on 01.03.2013 requesting him to regularise his service. Till date, no reply has been given by the respondent and hence, the petitioner has filed the present writ petition.

4. The Hon'ble Division Bench of this Court has passed the following Judgment in W.A.No.1520 of 2010 dated 25.10.2010 and the same is extracted hereunder:

" 8. The Government order in G.O.Ms.No.22 dated 28.02.2006 does not contain a clause that the regularization would be from the date of completion of ten years. Therefore, the learned Judge was fully justified in directing regularization with effect from 01.11.1990. We do not find any reason to take a different view.

9. In the result, the writ appeal is dismissed. The appellants are directed to comply with the order passed by the learned single Judge as expeditiously as possible and in

any case within a period of three months from today. No costs. Consequently connected miscellaneous petition is closed."

5. In view of the above, this Court directs the 4th respondent to consider the petitioner's representation dated 09.03.2013 in G.O.Ms.No.22, Personnel and Administrative Reforms (f) Department dated 28.02.2006 or the Writ Appeal in W.A.No.1520 of 2010 dated 25.10.2010 passed by the Hon'ble Division Bench of this Court. Considering the limited prayer sought for by the petitioner, the fourth respondent is also directed to pass appropriate orders on merits and in accordance with law, preferably, within a period of eight weeks from the date of receipt of a copy of this order, by giving personal opportunity to the petitioner in the light of the above G.O.Ms.No.22 as well as the writ appeal.

With the above directions, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

kkd

To

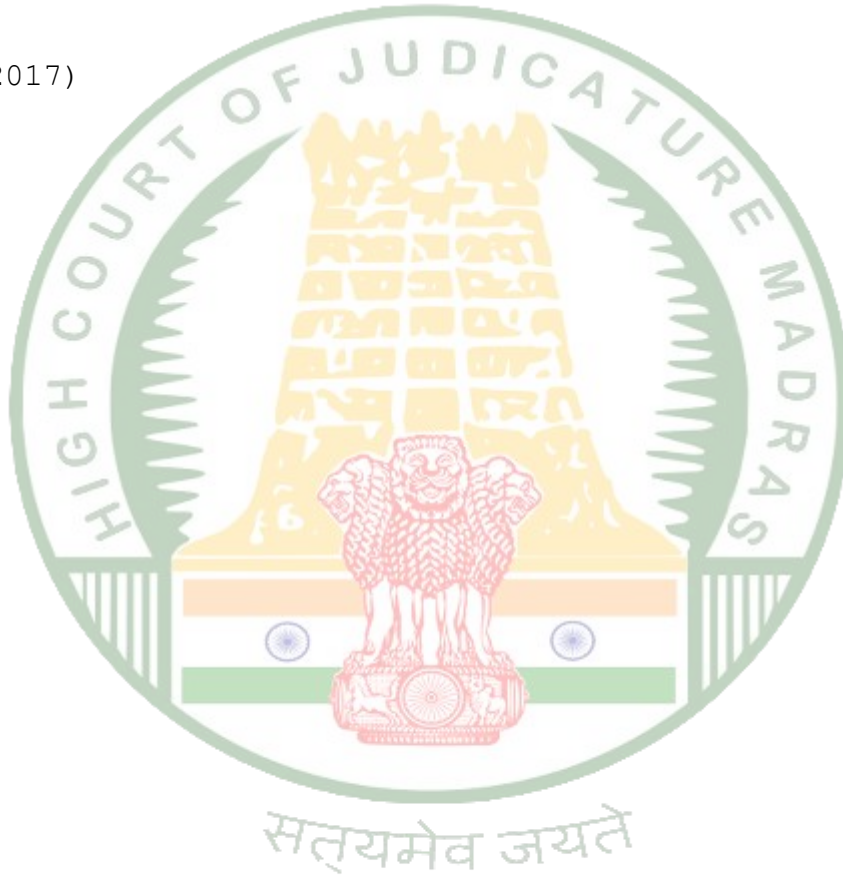
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+1 Cc to Govt. Pleader sr 66667.

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SSI (CO)
sp(10/10/2017)



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