

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.11.2017

CORAM:

THE HON'BLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HON'BLE MR.JUSTICE **P.VELMURUGAN**

W.A No.26 of 2013 and
M.P.No.1 of 2013

- 1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
 - 2.The Director of Public Libraries,
Anna Salai, Chennai - 600 002.
 - 3.The District Library Officer,
Collectorate Compound, Villupuram - 605 602.
- Vs
- V.Masilamani
- ...Appellants
- ...Respondent

Prayer:- Writ Appeal filed under clause 15 of Letters Patent, against the order made in W.P.No.18113 of 2012 dated 26.07.2012.

For Appellants : Mr.V.Anandamoorthy
Additional Government Pleader

For Respondent : No appearance

J U D G M E N T

K.K. SASIDHARAN,J.

The Mandamus issued by the learned single Judge to the appellants to regularise the services of the respondent on completion of

10 years of service from the date of his initial appointment is under challenge in this intra court appeal.

2. The challenge is mainly on the ground that the government order relied on by the learned single Judge is not applicable to Part Time employees.

3. The learned Additional Government Pleader by producing a copy of the judgment dated 10 July 2014, in W.A.Nos.2911 of 2012 etc., batch, submitted that the issue is covered by the said judgment. According to the learned Additional Government Pleader, the Division Bench set aside the orders passed by the learned single Judges of this Court directing regularisation of Part Time employees.

4. None appeared on behalf of the respondent.

5. The learned single Judge by placing reliance on the Government Order in G.O.Ms.No.22 P & AR Department, dated 28 February, 2006 directed regularisation of the services of the respondent. The respondent was working as Part Time Sweeper. The learned single Judge extended the benefits of the Government Order to

the respondent. When similar issue came up before the Division Bench in W.A.Nos.2911 of 2012 etc., batch, the Division Bench allowed the appeals filed by the Government and set aside the direction issued by the learned single Judges of this Court for regularisation of Part Time employees.

6. The issue raised in this intra court appeal is squarely covered by the judgment dated 10 July, 2014 in W.A.Nos.2911 of 2012 and etc., batch.

7. The intra court appeal filed by the State is allowed by following the judgment dated 10 July, 2014 in W.A.Nos.2911 of 2012 and etc., batch. No costs. Consequently, connected miscellaneous petition is closed.

(K.K.SASIDHARAN.,J.) (P.VELMURUGAN.,J.)

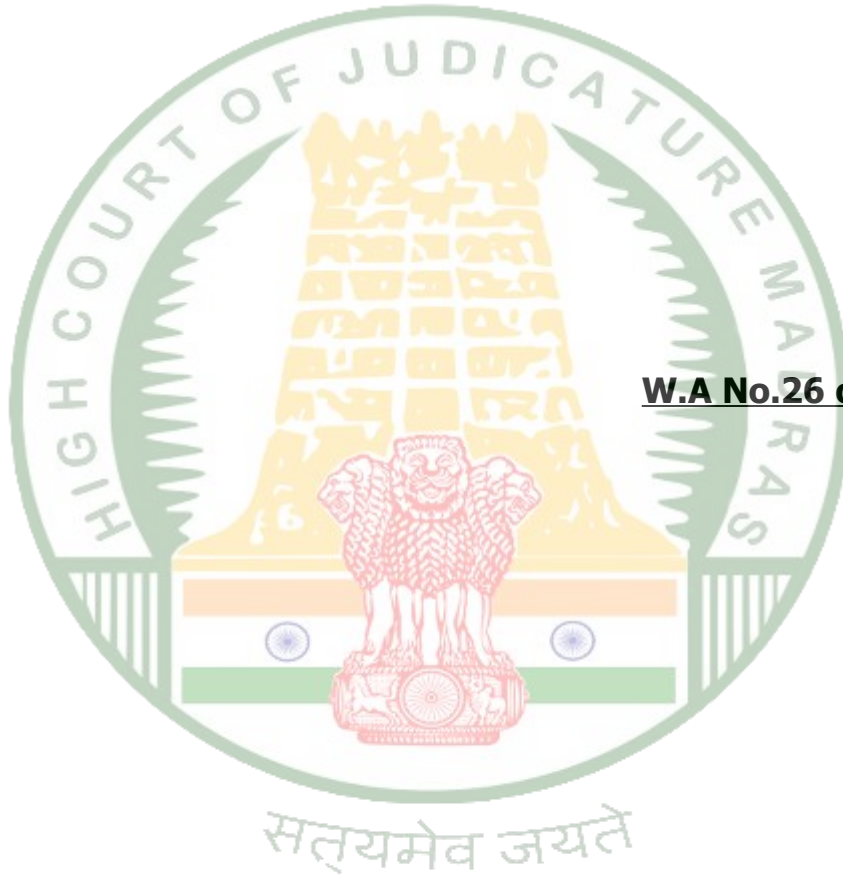
16 November 2017

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K.K.SASIDHARAN,J.
and
P.VELMURUGAN,J.

(svki)



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