

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23000 of 2016

Mrs.M.Sarasu

.. Petitioner

vs.

1. The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George,
Chennai-600 009.

2. The Director of Rural Development and
Panchayat Raj Department,
Panagal Building,
Chennai-600 015.

3. The District Collector,
Salem, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to regularize the petitioner's service as a permanent employee with the second respondent in the masalji post or to any other similar post as per the orders issued by the Government in G.O.Ms.No.22 dated 28.02.2006.

For Petitioner : Mr.D.Velu

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was initially appointed as a part time temporary employee as Masalji in the Salem Panchayat Union from 20.03.1992 and she was paid with monthly salary of Rs.70/- and claims to be in continuous service as part time employee and her monthly salary has been increased and she is in receipt of a sum of Rs.1,060/- per month. The petitioner would further aver that

the Personnel and Administrative Reforms Department of the Government of Tamil Nadu has passed G.O.Ms.No.22 dated 28.02.2006 regularizing the services of employees who work on daily wages on completion of 10 years of service as on 01.01.2006 and one Mr.C.Ravichandran, who is similarly placed like of that of the petitioner, had filed W.P.No.161/2013 which was disposed of on 17.06.2013 and in compliance of the same, the first respondent has passed G.O.(Ms.) No.17 dated 18.02.2014, regularizing the period of his service from the date of completion of 10 years with effect from 08.07.2003 and therefore, prays for similar orders.

3. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would submit that G.O.Ms.No.22 dated 28.02.2006 is not applicable to part time employees and it is applicable only to daily wage employees and admittedly, the petitioner is a part time employee and the benefit of the said Government Order would not come to her aid and prays for dismissal of the writ petition.

4. This Court has considered the rival submissions and also perused the entire materials placed before it.

5. The petitioner has given a representation dated 11.08.2015 to the respondents praying for regularization of her service and the third respondent, vide communication in Na.Ka.No.19157/2015/T3 dated 29.01.2016, has forwarded a proposal to the second respondent in respect of the petitioner as well as one Thiru.P.Sivasankaran.

6. In the light of the above facts and circumstances, this Court, without going into the merits of the claim projected by the petitioner, directs the second respondent to act on the communication of the third respondent in Na.Ka.No.19157/2015/T3 dated 29.01.2016 and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

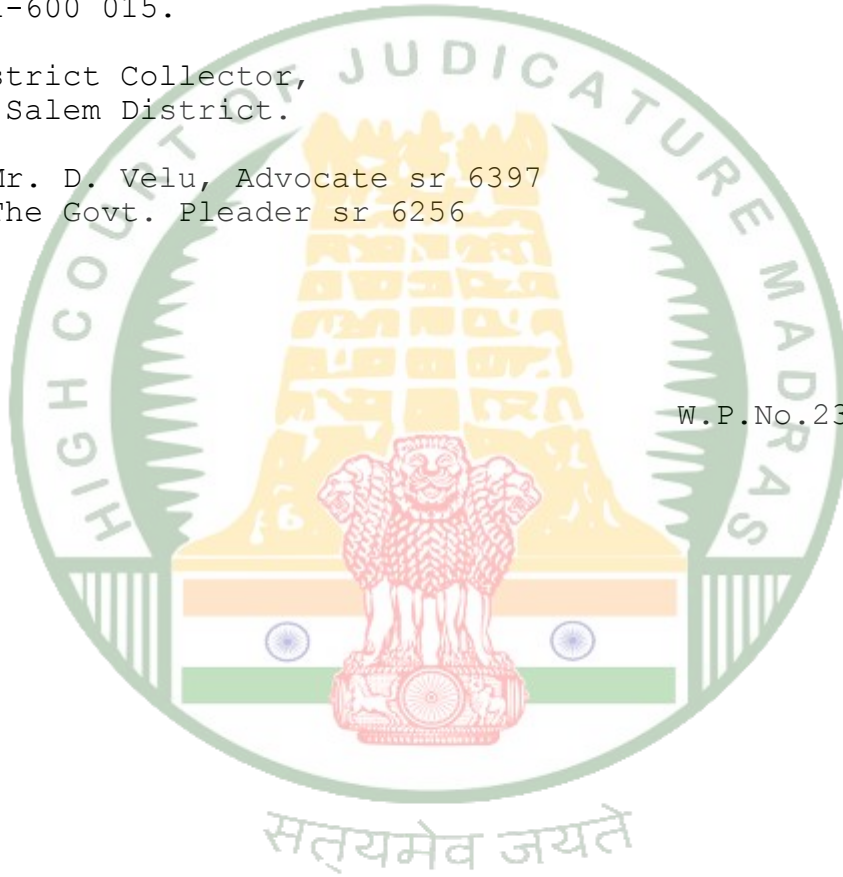
To

1. The Secretary to Government,
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Chennai-600 009.
2. The Director of Rural Development and
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Panagal Building,
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3. The District Collector,
Salem, Salem District.

+1 CC to Mr. D. Velu, Advocate sr 6397
+1 CC to The Govt. Pleader sr 6256

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RJ(CO)
sp/13/2



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