

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23347 of 2012

1. K.Thulukanam
2. S.Radhabai
3. T.Somasundaram

4. C.Sekar

.. Petitioners

vs

1. The Secretary to Government
School Education Department,
Secretariat, Chennai 600 009

2. The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai

3. The Chief Educational Officer,
Kancheepuram District.

4. The District Educational Officer,
Kancheepuram District,
Kancheepuram

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to absorb the petitioners in regular time scale of pay in the existing vacancies within a reasonable time as per G.O.Ms.No.22, P & A.R. Department, dated 28.02.2006 and G.O.Ms.No.179, School Education Department, dated 13.07.2012.

For Petitioners : Mr.G.Arul Murugan

For Respondents : Mr.K.Dhananjeyan
Special Government Pleader

O R D E R

The relief sought for in this Writ Petition is to direct the first respondent to absorb the petitioners in the regular time scale of pay in the existing vacancies as per G.O.Ms.No.22, P &

A.R.Department, dated 28.02.2006 and G.O.Ms.No.179, School Education Department, dated 13.07.2012.

2. The petitioners are working as part time Sweepers, Water Man and Scavengers in various Government Schools in Kancheepuram District. All the petitioners are continuing in services for more than 20 years. The learned counsel for the writ petitioners contended that the petitioners were appointed by the Head Master of the respective Schools and they are continuing on consolidated pay basis. Some of the persons were initially recruited through the District Employment Exchange and therefore, the petitioners are eligible for regularisation. The learned counsel further contended that similarly placed persons were considered and their services were already regularised by the Department. When a number of similar persons were considered for regularisation, the same benefit ought to have been extended to the writ petitioners also.

3. The issue regarding the regularisation of part time Sweepers and Last Grade Services, who were initially appointed on consolidated pay, was settled by the Hon'ble Division Bench of this Court in the State of Tamilnadu -vs- M.Seeniammal and others reported in 2014 (5) CTC 474. The Hon'ble Division Bench, following the judgment of the Hon'ble Supreme Court of India in the Secretary to Government, School Education Department -vs- R.Govindasamy and others reported in CDJ 2014 SC 146, held that regularisation cannot be done in such cases of part time employees. All such regularisation are deprecated by the Hon'ble Division Bench. By following the principles laid down by the Hon'ble Supreme Court, the Division Bench also recalled the earlier order of this Court except in cases where the Government implemented the orders.

4. In view of the above position, the Writ Petition deserves no further consideration on merits and the law laid down by the Hon'ble Supreme Court as well as the Hon'ble Division Bench are binding on this Court and accordingly, the Writ Petition stands dismissed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

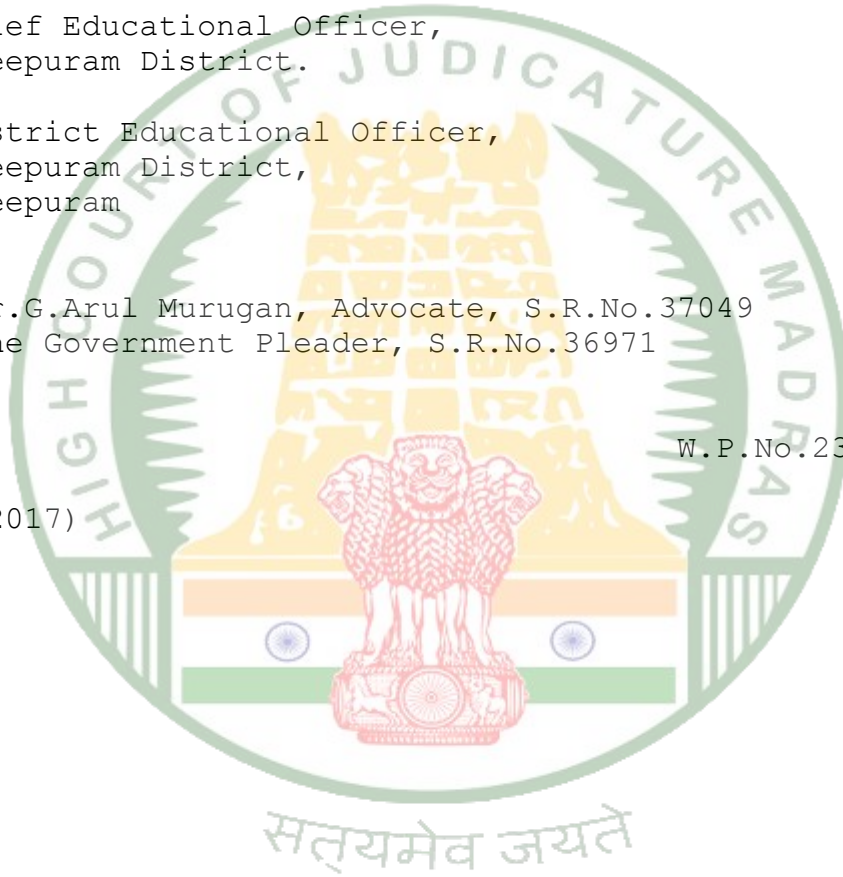
To

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Nungambakkam, Chennai
3. The Chief Educational Officer,
Kancheepuram District.
4. The District Educational Officer,
Kancheepuram District,
Kancheepuram

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.37049
+1cc to the Government Pleader, S.R.No.36971

VSN(CO)
RS(17/05/2017)

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