

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.05.2017

CORAM

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

W.P. No.33990 of 2013

N.Kumari

.. Petitioner

Vs

1. The State of Tamil Nadu
rep. by its Secretary to Government
School Education Department
Secretariat, Chennai 600 009.
 2. The Director of Government Examinations
Directorate of Government Examinations
College Road, Chennai - 600 006.
 3. The Regional Deputy Director of
Government Examinations
College Road, Chennai - 600 006.
- .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents to extend the benefits of regularisation of service on completion of 10 years of service and also granting pensionary benefits on that basis by way of Government Orders issued in G.O.ID.No.363, School Education (VI) Department dated 11.10.2012, and grant all consequential service and monetary benefits and also to pay the retirement/pensionary benefits as given to one Mr.Paramasivam, similarly placed person.

For Petitioner : Mr.G.Elanchezhian

For Respondents : Mr.K.Dhananjayan
Spl.Govt. Pleader

O R D E R

The petitioner has come forward with this Writ Petition for directing the respondents to extend the benefits of regularisation of service on completion of ten years of service and also granting pensionary benefits on that basis by way of Government Orders issued in G.O.ID.No.363, School Education

(VI) Department dated 11.10.2012, and grant all consequential service and monetary benefits and also to pay the retirement/pensionary benefits as given to one Mr.Paramasivam, similarly placed person.

2. The petitioner was appointed through the District Employment Exchange as 'daily rated ***Section Writer*** in the Office of the Regional Deputy Director of Government Examinations, College Road, Chennai, 600 006. She served for a considerable length of time upto 2006. Considering the long services rendered by the petitioner and other similarly placed persons, the Government formulated a scheme and decided to absorb them all in the permanent vacancies. Accordingly, the respondents have regularised the service of the petitioner and now he is continuing as a regular Government employee in the time scale of pay.

3. The petitioner though sought for a larger relief in this Writ Petition, now the learned counsel for the petitioner fairly conceded to restrict the prayer to the extent that the pensionary benefits extended to other similarly placed persons in various Government Orders, may also be extended to the Writ Petitioner. To substantiate his restricted prayer, the learned counsel for the petitioner has taken this Court to G.O.(1D) No.286 School Education dated 19.07.2016, G.O.(Ms) No.1, School Education Department dated 02.01.2017 and G.O.(1D) No.238 School Education Department dated 07.04.2017.

4. In all these Government Orders, the case of various other similarly placed persons were considered, retrospective regularisation and the benefit of 50% of service in the casual labour service were also taken into account, only for the limited purpose of pensionary benefits, but the writ petitioner herein was denied of the said benefit. In view of the above submissions, this Court is inclined to consider the case of the Writ Petitioner herein to the extent of granting of pensionary benefits.

5. Accordingly, writ petitioner is permitted to submit a fresh representation setting out all these facts, along with the relevant Government Orders and a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondents are directed to consider the same in the light of the orders passed by the Government in G.O. (1D) No.286 School Education dated 19.07.2016, G.O.(Ms) No.1, School Education Department dated 02.01.2017 and G.O.(1D)

No.238 School Education Department dated 07.04.2017, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS II)

dt:17/05/2017

*** Corrected as per Order of
this Court, dated 12/06/2017.
and made in Wp.No.33988 to 33992
of 2013. issue fresh Order copy**

Sd/-

Asst.Registrar (CS II)

dt:16/06/2017

/true copy/

Sub Asst. Registrar

rpa

To

1. The Secretary to Government
State of Tamil Nadu
School Education Department
Secretariat, Chennai 600 009.

2. The Director of Government Examinations
Directorate of Government Examinations
College Road, Chennai - 600 006.

3. The Regional Deputy Director of
Government Examinations
College Road, Chennai - 600 006.

To be
substituted
to the order
already
despatched
on 31/05/2017.

+1cc to Mr.G.Elanchezhiyan, Advocate Sr. 36809

+1cc to the Government Pleader, Sr. 36954

WEB COPY

W.P. No.33990 of 2013

RV(CO)

vr/18.5.2017

CS(19/06/2017)