IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.05.2017

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

W.P. No.34460 of 2013

K.Kumar .. 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 Secretary to the Director of
   Government Examinations
   Directorate 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 Certiorarified Mandamus, to call for the records connected in G.O.Ms.No.212, School Education (VI) Department dated 25.10.2006, passed by the first respondent and Na.Ka.No.010945/E3-1/2006 dated 11.03.2010 issued by the 3rd respondent and quash the same in so far as petitioner is concerned as it restricts to regularise the service of the petitioner from the date of issuing the Government Order and consequently direct the respondents to regularize the petitioner's service on completion of ten years of service with all service and monetary benefits as given to other similarly placed persons case issued in G.O.(2D) No.19, School Education (VI) Department, dated 18.4.2013.

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For Petitioner : Mr.G.Elanchezhiyan

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

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O R D E R

The petitioner has come forward with this Writ Petition for quashing the order passed by the first respondent-Government in G.O.Ms.No.212, School Education (VI) Department dated 25.10.2006 and the consequential order passed by the third respondent dated 11.03.2010, in so far as the petitioner is concerned as it restricts to regularise the service of the petitioner from the date of issuing Government Order and consequently direct the respondents to regularize the petitioner's service on completion of ten years of service with all service,monetary and other benefits.

2.The petitioner was appointed through the District Employment Exchange as 'daily rated casual labourer' in the Office of the Regional Deputy Director of Government Examinations, College Road, Chennai, 600 006. He 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.

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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/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
   The 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 Secretary to the Director of
   Government Examinations
   Directorate of Government Examinations
   College Road, Chennai - 600 006.

+1cc to Mr.G.Elanchezhiyan, Advocate, sr.36788
+1cc to M/s Government Pleader, sr.36789

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