

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.05.2017

CORAM

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

W.P. No.34466 of 2013

1.M.Rajendran (Deceased)

2.R.Krishnaveni

3.R.Mohanavalli

4.R.Vanchinathan

5.R.Priyadharshini

6.R.Kashuri

(petitioners 2 to 6 are substituted in the place of the deceased writ petitioner as per order passed in M.P.No.1 of 2015 in W.P.No.34466/13 dt 5.5.2017)

... Petitioners

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 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 issue issued in G.O.(2D) No.19, School Education (VI) Department, dated 18.4.2013.

For Petitioners : Mr.G.Elanchezhiyan

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

O R D E R

This Writ Petition has been filed 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 22.10.2009, in so far as the deceased petitioner is concerned as it restricts to regularise the service of the deceased petitioner from the date of issuing Government Order and consequently direct the respondents to regularize the deceased writ petitioner's service on completion of ten years of service with all service, monetary and other benefits.

2.The deceased writ 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 deceased writ 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 services of the deceased writ petitioner. Since the writ petitioner died during the pendency of the writ petition, the legal representative of the deceased writ petitioner filed a Miscellaneous Petition for substituting them in the place of deceased writ petitioner and prayed for aforesaid reliefs.

3.The petitioners though sought for a larger relief in this Writ Petition, now the learned counsel for the petitioners 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 Petitioners herein. 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 (deceased) was denied of the said benefit. In view of the above submissions, this Court is inclined to consider the case of the Writ Petitioners to the extent of granting of pensionary benefits.

5. Accordingly, the writ petitioners, who are the legal representative of the deceased writ petitioner, are 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

1. The 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

+1cc to Mr.G.Elanchezhiyan, Advocate in Sr.No.36794

W.P. No.34466 of 2013

NM(CO)
NR(07/06/2017)