

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2017

CORAM:

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

W.P. No.26624 of 2006
and
M.P.No.1 of 2008

1. K.Kalyanasundaram
2. M.Sundara Raman
3. S.Perumal ... Petitioners

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Education, Science and Technology Department,
Fort St.George, Chennai-9.
2. The Director of Elementary Education,
Chennai-600 006.
3. The Assistant Elementary Education Officer,
Thiruvavoor, A.T.Paneerselvam District.
4. The District Elementary Education Officer,
A.T.Paneerselvam District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India came to be numbered on transfer of Original Application No.607 of 1997 from the file of the Tamil Nadu Administrative Tribunal, Chennai, praying to direct the respondents to regularise the services of the petitioners with effect from 14.05.1981 with all attendant,

monetary and consequential benefits.

For Petitioners : Ms.T.Aananthi

For Respondents : Mr.K.Dhananjeyan,
Spl. Govt. Pleader

ORDER

The relief sought for in this writ petition is for a direction to regularise the services of the petitioners with effect from their date of appointment as Night Watchman in the Education Department. The claim was made based on G.O.Ms.No.107 P & AR Department dated 05.02.1987.

2.The learned Special Government Pleader representing the respondents stated that the Government Order is inapplicable in respect of the facts and circumstances are concerned and particularly the said Government Order is applicable only to the persons who completed the service continuously for five years without any break. But the petitioners were not employed continuously and they were contingent employees. This apart, the benefit of regularisation was extended only to the persons appointed through the district

employment exchanges.

3.This apart, the writ petitioners, admittedly, were relieved from the Education Department and thereafter employed in panchayat union during the year 1998. Pursuant to the relevant Government Order, the services of the writ petitioners were regularised with effect from 06.11.1992 in the panchayat union service on completion of ten years of service. The said regularisation was granted pursuant to the Government Order and the monetary benefits were also paid thereafter. It is placed before this Court that the writ petitioners were already retired from service on attaining the age of superannuation and therefore the question of considering the regularisation from the initial date of appointment does not arise.

4.In view of these facts and circumstances of the case, the issue regarding regularisation need not be examined further and accordingly, the writ petition stands dismissed. In respect of the contingent temporary services rendered by the writ petitioners, they have to approach the competent authority for the purpose of counting of 50% of the service in view of the amended Rule 11 of the Tamil Nadu Pension Rules. It is open to the writ petitioners to approach the competent authority seeking appropriate relief in this regard. No

costs. Consequently, connected miscellaneous petition is closed.

05.05.201

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Index: Yes/No
mmi/dh

To

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Education, Science and Technology Department,
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3. The Assistant Elementary Education Officer,
Thiruvaroor, A.T.Paneerselvam District.
4. The District Elementary Education Officer,
A.T.Paneerselvam District.

S.M.SUBRAMANIAM.J,

W.P.No.26624 of 2006

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