

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.1 of 2014
and M.P.No.1 of 2014

1.The State of Tamil Nadu
Rep. by the Secretary to Government
School Education (R1) Department
Secretariat
Chennai 600 009.

2.The Director of School Education
College Road
Chennai 600 006.

3.The District Educational Officer
Kanyakumari District.

4.The Assistant Elementary Educational Officer
O/o the Assistant Elementary Educational Officer
Dennison Salai
Nagercoil, Kanyakumari District. ..

Appellants

Vs.

D.Daniel ..

Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 30.07.2012 made in W.P.No.20316 of 2012, on the file of this Court.

WP.NO.20316 OF 2012:

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to regularize the service of the petitioner in the light of G.O. Ms.No.22 (P&AR) Department dated 28.2.2006 and G.O. Ms.No.111 School Education (R1) Department dated 9.5.2012 with effect from the date of his initial appointment and consequently direct to pay all the service and monetary benefits

For Appellants : Mr.K.Karthikeyan
Government Advocate

For Respondent : No appearance

J U D G M E N T

[Judgment of the Court was delivered by

K.K.SASIDHARAN, J.]

The Mandamus issued by the learned single Judge to the appellants to regularise the services of the respondent on completion of 10 years of service from the date of his initial appointment is under challenge in this intra court appeal.

2. The challenge is mainly on the ground that the Government Order relied on by the learned single Judge is not applicable to Part Time employees.

3. The learned Government Advocate by producing a copy of the judgment dated 10 July 2014, in W.A.Nos.2911 of 2012 etc., batch, submitted that the issue is covered by the said judgment. According to the learned Government Advocate, the Division Bench set aside the orders passed by the learned single Judges of this Court directing regularisation of Part Time employees.

4. None appeared on behalf of the respondent.

5. The learned single Judge by placing reliance on the Government Order in G.O.Ms.No.22 P & AR Department, dated 28 February, 2006 directed regularisation of the services of the respondent. The respondent was working as Part Time Sweeper. The learned single Judge extended the benefits of the Government Order to the respondent. When similar issue came up before the Division Bench in W.A.Nos.2911 of 2012 etc., batch, the Division Bench allowed the appeals filed by the Government and set aside the direction issued by the learned single Judges of this Court for regularisation of Part Time employees.

6. The issue raised in this intra court appeal is squarely covered by the judgment dated 10 July, 2014 in W.A.Nos.2911 of 2012 and etc., batch.

7. The intra court appeal filed by the State is allowed by following the judgment dated 10 July, 2014 in W.A.Nos.2911 of 2012 and etc., batch. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (Audit)

/true copy/

Sub Asst. Registrar

gms

To

1.The Secretary to Government
State of Tamil Nadu
School Education (R1) Department
Secretariat, Chennai 600 009.

2.The Director of School Education
College Road, Chennai 600 006.

3.The District Educational Officer
Kanyakumari District.

4.The Assistant Elementary Educational Officer
O/o the Assistant Elementary Educational Officer
Dennison Salai
Nagercoil, Kanyakumari District.

+1cc to Government Pleader in sr.no.15361

W.A.No.1 of 2014

lrs(co)
nr 21/03/2018

सत्यमेव जयते

WEB COPY