

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
and
THE HON'BLE Mr.JUSTICE P.VELMURUGAN

W.A. No.41 of 2015
& M.P.No.1 of 2015

- 1.The State of Tamil Nadu,
Rep., by the Secretary to Government,
Education Department,
Secretariat, Chennai-9.
 - 2.The Director of School Education,
College Road, Chennai-600 006.
 - 3.The District Elementary Educational Officer,
Vellore, Vellore District-632 004.
 - 4.The Assistant Elementary Educational Officer,
Nemili, Vellore-631 004.
 - 5.The Joint Director of Elementary Education,
(Personnel) Estt., College Road,
Chennai-6.
- ..Appellants/Respondents

Versus

P.Punniyakodi,
S/o Late Ponnurangam,
8/19A, Kuttai Colony,
Kariyakudal Village,
Nemili-631 051,Vellore District.

.. Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 28.06.2013 made in W.P.No.17510 of 2013 on the file of this Court.

W.P. No. 17510/2013:

Petition filed under Article 226 of the constitution of India for the issuance of A Writ of Mandamus directing the respondents to regularize the service of the petitioners mother with effect from the date of initial appointment i.e. 2.6.74 with all monetary and service benefits and consequently extend the benefit of the provision for compassionate appointment to the petitioner and appoint him to the post of Office Assistant.

For appellants:: Mr.K.Karthikeyan(Edn.)
Government Advocate

For respondent :: Mr.r.Singaravelan, S.C., for
Ms.M.Srividhya

JUDGMENT

(Judgment of the Court was made by K.K.SASIDHARAN,J.)

The respondent submitted a representation before the Government for regularisation of the appointment of his mother as Sanitary Assistant/Part Time Sweeper and thereafter, consider him for compassionate appointment.

2. The learned single Judge directed the third respondent to send the required particulars and on receipt of the same, the second respondent was directed to make his recommendation to the first respondent for providing compassionate appointment and after receipt of the proposal, the first respondent was called upon to consider the matter on merits. The said order is under challenge in this intra Court appeal.

3. The learned Government Advocate appearing on behalf of the appellants contended that in view of the judgment rendered by the Honourable Supreme Court in Secretary to Government, School Education Department V. R.Govindaswamy and others (Civil Appeal Nos.2726-2729 of 2014 dated 21.02.2014), there is no question of regularising the services of part-time Sweeper.

4. The learned Senior Counsel for the respondent, on the other hand, submitted that similarly placed employees were all regularised and as such, the case of the respondent should also be considered.

5. The question as to whether the services of the mother of the respondent should be regularised or not is essentially an issue to be decided by the Government. The learned single Judge directed the third respondent to send the particulars to the second respondent as per proceedings dated 18.01.2013. There was no positive direction given by the learned single Judge to regularise the appointment of the petitioner's mother or to consider the case of the respondent for compassionate appointment. We therefore, clarify the order to the effect that it is for the Government to take a decision one way or the other. We direct the appellants to take a decision as expeditiously as possible and in any case, within a period of twelve weeks from the date of receipt of a copy of this judgment.

6. The intra Court Appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
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Chennai-6.

+1 CC to The Govt. Pleader sr 9777.

W.A.No.41 of 2015

GP(CO)
SP(12/03/2018)