

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1470 of 2014

&

MP.No.1 of 2014

1. The Secretary to Government,
School Education Department,
St. George Fort, Chennai.
2. The Director of School Education,
DPI Campus, Nungambakkam,
Chennai.
3. The District Educational Officer,
Nagapattinam District.
4. The Headmaster,
Municipality Girls Higher Secondary School
Nagapattinam,
Nagapattinam District.Appellants

Vs

P.PalaniyammalRespondent

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 13.12.2012 passed in W.P.No.33282 of 2012. Petition filed under Article 226 of the constitution of India praying for the issuance of a writ of Mandamus directing the respondents to regularize the service of the petitioner in the cadre of Sweeper from the date of initial appointment and pass appropriate orders granting all attended service benefits including arrears of pay and allowances within the stipulated period of time fixed by this court.

For Appellants : Mr.K.Karthikeyan
Government Advocate

For Respondent : No appearance
JUDGMENT

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

The respondent was appointed as a temporary sweeper in the Municipal Girls Higher Secondary School, Nagapattinam on 12 December 2012. The appointment was made through Parents

Teachers Association. The respondent filed the writ petition for regularisation of her services as sweeper. The writ petition was allowed by the learned single Judge by placing reliance on the earlier order in Writ Petitions in W.P.Nos.27488 to 27490 of 2010 and etc., batch. Those Writ Petitions were allowed on the basis of the Government Order issued in G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28 February 2006. The learned single Judge issued a Mandamus directing the appellants to consider the case of the respondent for regularisation of services and thereafter, to pay her arrears of pay. Feeling aggrieved, the appellants have come up with this intra court appeal.

2. The learned Government Advocate by placing reliance on the Judgment of the Division Bench of this Court dated 10 July, 2014 in W.A.Nos.2111 of 2012 etc., batch contended that the issue is squarely covered by the said Judgment.

3. The Division Bench in W.A.Nos.2111 of 2012 etc., batch considered the scope and ambit of Government Order in G.O.Ms.No.22 P & AR Department dated 28 February 2006 and held that the said order is not applicable to sweepers who were working on part time basis. In view of the decision rendered by a Division Bench, we are of the view that impugned order deserves to be set aside.

4. In the result, the order passed by the learned Judge dated 13 December 2012 is set aside. The writ petition in W.P.No.33282 of 2012 is dismissed.

5. The intra court appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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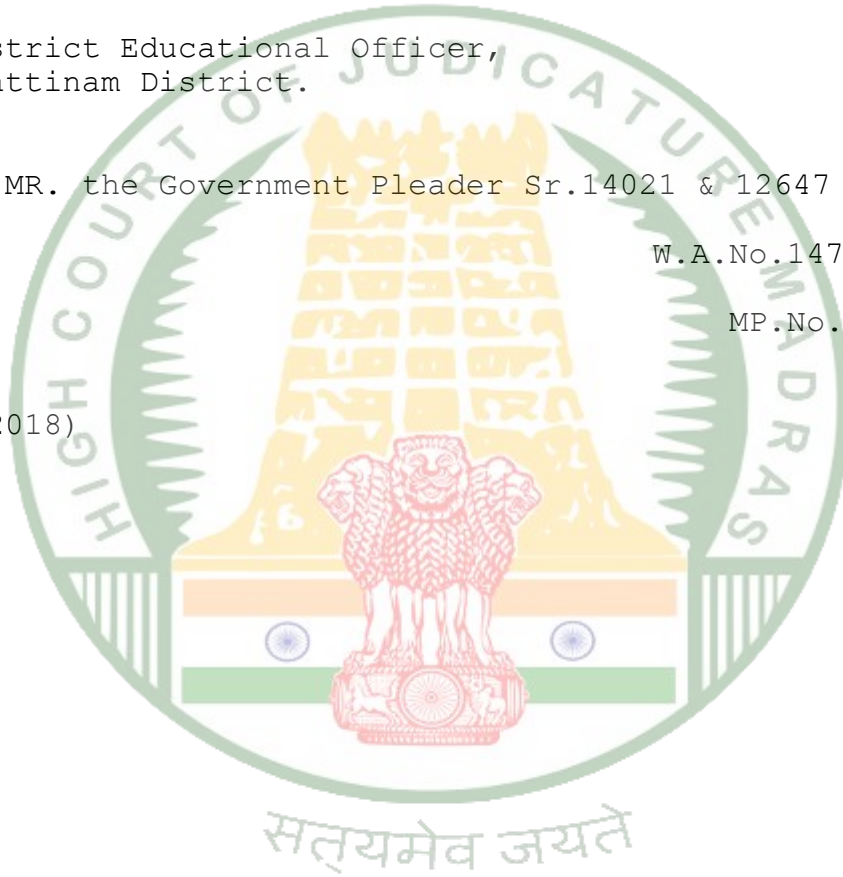
TO

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+ 1 cc to MR. the Government Pleader Sr.14021 & 12647

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MP (CO)
EU (19/03/2018)



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