IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.A.No.206 of 2014
and M.P.No.1 of 2014

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2. The Director of Public Libraries,
Anna Salai, Chennai - 600 002.

3. The District Library Officer,
Collectorate Compound,
Villupuram. .... Appellants/Respondent

-vs-

K.Sekar .... Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.16172 of 2013 dated 17.06.2013.

W.P.16172/2013:

Writ Petition filed under Article 226 of the constitution of India, for the issuance of a Writ of Mandamus to direct the respondents to regularize the services of the petitioner from the date of completion of 10 years of service from the date of initial appointment on 01.06.1995 with all monetary and other consequential service benefits including the arrears of pay in the revised scale.

For Appellants : Mr.K.Karthikeyan, G.A.
For Respondent : Ms.Sasikala Subramanian

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 her initial appointment is under challenge in this intra court appeal.

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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. 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.

5. 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.

6. 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.

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

sl

To

1. The Secretary to Government,
   School Education Department,
   Fort St. George, Chennai - 600 009.

2. The Director of Public Libraries,
   Anna Salai, Chennai - 600 002.

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