

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 13.07.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN, J.

W.A No.439 of 2017 and
C.M.P.Nos.6584 and 6585 of 2017

- 1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
 - 2.The Director
Director of School Education
College Road
Chennai - 600 006
 - 3.The District Educational Officer
Nagercoil
Kanyakumari District
 - 4.The Assistant Elementary Educational Officer
Nagercoil
Kanyakumari District
- Vs
- A.Tamilarasi
- ...Appellants
...Respondent

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.16904 of 2013 dated
24.06.2013.

WP.No.16904/2013:Writ petition filed under Article 226 of the
constitution of India praying this Hon'ble Court to issue a
writ of mandamus directing the respondents forthwith to
regularize the petitioner's service as sweeper in time scale
of pay from the date of completion of 10 years of service i.e
o 09.12.1989 and disburse all monetary benefits to the
petitioner

For Appellants : Mr.K.Karthikeyan
Government Advocate (Education)

For Respondent : No appearance

J U D G M E N T

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 Additional Government Pleader 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 Additional Government Pleader, 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 are closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

To

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

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

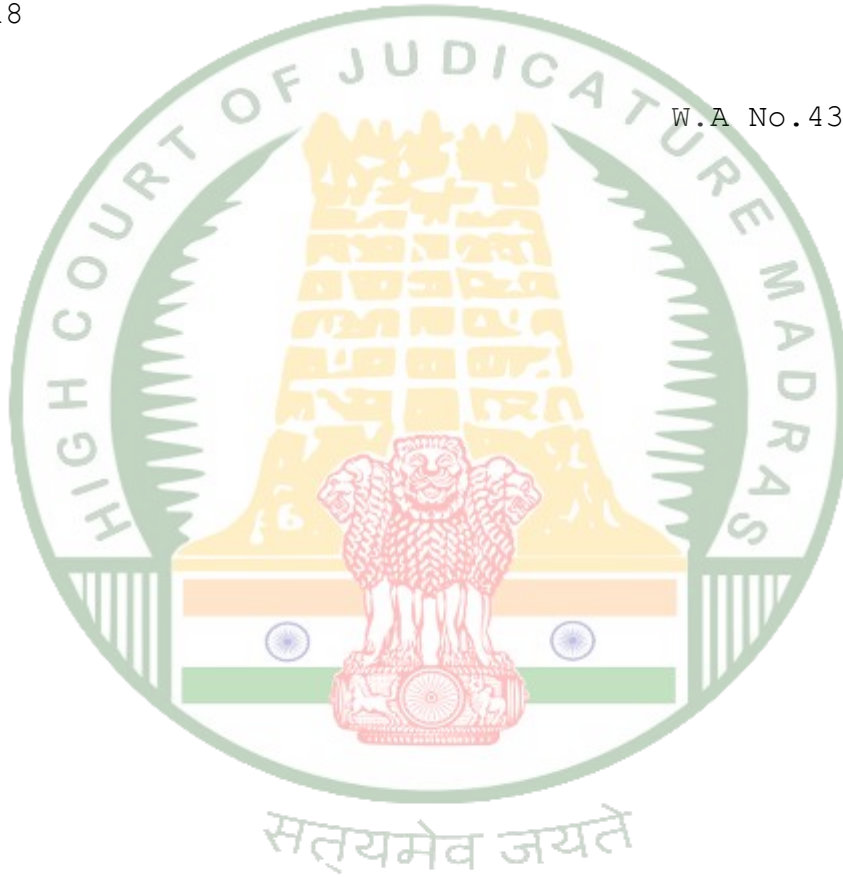
3.The District Educational Officer
Nagercoil
Kanyakumari District

4.The Assistant Elementary Educational Officer
Nagercoil
Kanyakumari District

+lcc to Government Pleader SR.No.46563

SV(CO)
sm:7.8.2018

W.A No.439 of 2017



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