

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.658 of 2017
and C.M.P.No.9226 of 2017

1.The State of Tamil Nadu
Rep by the Secretary to Government
School Education Department
Fort St.George
Chennai 600 009.

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

3.The District Educational Officer,
Nagercoil,
Kanyakumari District.Appellants/Respondents

Vs

M.PappaRespondent

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act,
to set aside the order passed by this Court in W.P.No.17442 of
2013 dated 28.06.2013.

Prayer in WP.No.17442 of 2013: Petition filed under Article 226
of the constitution of India for the issuance of Writ of
Mandamus, directing the 1st and 2nd respondents forthwith to
regularize the petitioner service as sweeper in time scale of
pay from the date of completion of 10 years of service i.e. on
15.07.1980 and disburse all monetary benefits to the petitioner.

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

For Respondent : Mr.L.S.M.Hasan Faizal

JUDGMENT

(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.

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.

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

gms

To

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3.The District Educational Officer,
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Kanyakumari District.

+lcc to Government Pleader SR.No.11157

W.A.No.658 of 2017

MR(CO)
GN(07/03/2018)



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