

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.845 of 2018
and
C.M.P.No.7413 of 2018

1. The State of Tamil Nadu
rep.by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
 2. The Director of Elementary School Education,
DPI Campus, College Road,
Chennai-600 006.
 3. The District Elementary Educational Officer,
Thiruvannamalai District.
 4. The Assistant Elementary Educational Officer,
Vembakkam Panchayat Union,
Vembakkam,
Thiruvannamalai District. Appellants
- vs-
- G.Balasundaram ... Respondent

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.30735 of 2017 dated 28.11.2017. Petition filed under Article 226 of the Constitution of India, Praying for the issue of a Writ of Mandamus, directing the respondents herein to regularize the services of the petitioner on completion of 10years of service from the initial date of appointment on 07.09.1981 with all monetary benefits as was extended to the identically placed individuals in G.O.Ms.No.111 dated 08.05.2012 and G.O.Ms.No.105 dated 18.07.2012 or in the alternative grant the petitioner with time scale of pay on completion of 10 years of services on the application of principle of equal pay for equal work.

For Appellants :: Mr.C.Munusamy, Spl.GP

For Respondent :: Ms.Dakshayani Reddy

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The respondent herein filed a writ petition in W.P.No.30735 of 2017 for issuance of a Writ of Mandamus directing the appellants herein to regularise the services of the respondent on completion of 10 years of service from the initial date of appointment on 07.09.1981 with all monetary benefits as was extended to the identically placed individuals in G.O.Ms.No.111 dated 08.05.2012 and G.O.Ms.No.105 dated 18.07.2012 or in the alternative, grant the respondent the time scale of pay on completion of 10 years of service on the principle 'equal pay for equal work'. The writ petition was disposed of on 28.11.2017 directing the appellants to consider the case of the respondent for regularisation in the light of the earlier orders passed by this Court in W.P.(MD)Nos.6700 to 6705 of 2008 etc., dated 04.12.2008 followed in W.P.No.27607 of 2010 dated 23.12.2010 along with G.O.Ms.No.111, School Education Department, dated 09.05.2012 and G.O.(3D)No.105, School Education Department, dated 18.07.2012 and pass appropriate orders within a period of four weeks.

2.Challenging the said order, the appellants are before this Court with this writ appeal.

3.The learned Special Government Pleader appearing for the appellants has submitted that the respondent is not a full time daily wage employee and his services cannot be regularised in view of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 and G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013.

4.The learned counsel for the respondent has submitted that the learned single Judge has considered the matter in proper perspective and passed the impugned order and hence the same does not require any interference.

5.Heard the learned counsel on either side.

6.On a careful perusal of the order impugned herein, we can infer that the learned single Judge has only directed to consider the case of the respondent for regularisation in the light of the earlier orders passed by this Court in W.P.(MD) Nos.6700 to 6705 of 2008 etc., dated 04.12.2008 followed in W.P.No.27607 of 2010 dated 23.12.2010 along with G.O.Ms.No.111,

School Education Department, dated 09.05.2012 and G.O.(3D) No.105, School Education Department, dated 18.07.2012 and pass appropriate orders. The appellants / authorities have to do the needful only in accordance with law. It does not necessarily mean there are grounds to modify the order passed by the learned single Judge. Only a direction has been given having regard to the factual position and it is for the authorities to consider the claim of the respondent and if the Government Orders are found applicable, to do the needful in accordance with law. In these circumstances, there is no need to modify or set aside the impugned order passed by the learned single Judge.

7. With the above observation, the writ appeal stands dismissed. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.
2. The Director of Elementary School Education,
DPI Campus, College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
Thiruvannamalai District.
4. The Assistant Elementary Educational Officer,
Vembakkam Panchayat Union,
Vembakkam, Thiruvannamalai District.

+1cc to Ms. Dakshayani Reddy, Advocate, S.R.No. 36037
+1cc to the Spl. Government Pleader, S.R.No. 36288

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SVN (CO)
BM 29/06/2018