

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 14.03.2018

CORAM:

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

W.A No.1715 of 2013 and
M.P.No.1 of 2013 & MP.NO.1 OF 2014

- 1.The District Educational Officer,
Namakkal.
2. The Headmaster
Government Girls High School,
Mallasamudhram 637 503.
Namakkal District. ...Appellants / Respondents

Vs

S.Latha ...Respondent / Petitioner

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.21936 of 2012 dated
17.09.2012.

Prayer in WP NO.21936/2012:

Petition filed under AA 226 of the Constitution of India
praying to issue of writ of Mandamus or any other appropriate
writ or direct the respondent No.1 to regularize the services
of the petitioner as a sanitary worker on and from 1.2.1999
together with all consequential benefits

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

For Respondent : Mr.V.Lakshminarayanan

J U D G M E N T

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 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. We have also heard the learned counsel for 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 Sanitary worker. 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 is closed.

arr

Sd/-

Assistant Registrar (CS-VI)

/TRUE COPY/

Sub-Assistant Registrar

To,

1.The District Educational Officer,
Namakkal.

2. The Headmaster
Government Girls High School,
Mallasamudhram 637 503.
Namakkal District.

+1CC to M/S.V.RAGHAVACHARI Advocate SR.NO.19098
+1CC to Govt Pleader SR.NO.19665

W.A No.1715 of 2013

SKV[CO]
MK:27/03/2018