

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM:

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

W.A.No.2116 of 2013
and M.P.No.1 of 2013

1. The State of Tamil Nadu
rep by its Secretary
Public Works Department
Fort St.George, Chennai 9.
 2. The Chief Engineer (General)
& Engineer in Chief
Public Works Department
Chepauk, Chennai 5.
 3. The Executive Engineer
PWD, Building Construction &
Maintenance Division (Medical)
Thiruppur. Appellants
- Vs
- P.BackyalakshmiRespondent

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act,
to set aside the order passed by this Court in W.P.No.17485 of
2013 dated 27.06.2013.

W.P.No.17485 of 2013:-

Writ Petition is filed under Article 226 of the Constitution
of India praying for a Writ of Mandamus Directing the
respondents to regularise the services of the petitioner in the
post of Sweeper with effect from the date of initial
appointment i.e. on 1.4.1990 in the regular time Scale of Pay
on the basis of the Government Orders and the proposals with all
monetary and other service benefits

For Appellants : Ms.Ramya Revathy
Government Advocate

For Respondent : Mr.L.Chandrakumar

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 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. 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 VII)

//True Copy//

Sub Assistant Registrar

gms

To

1. The Secretary
Public Works Department
Fort St.George, Chennai 9.
2. The Chief Engineer (General)
& Engineer in Chief
Public Works Department
Chepauk, Chennai 5.
3. The Executive Engineer
PWD, Building Construction &
Maintenance Division (Medical)
Thiruppur.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.8020
+1cc to the Government Pleader, S.R.No.8485

W.A.No.2116 of 2013

LRS (CO)
CS/23/02/18



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