

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.23549 of 2012

Mrs.K.S.Shanthi

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Courts) Department,
Fort St. George, Chennai 600 009.
 2. The Secretary to Government,
Labour & Employment Department,
Fort St. George, Chennai 600 009.
 3. The Registrar General,
High Court, Madras,
Chennai 600 104.
 4. The Presiding Officer,
Industrial Tribunal, Tamil Nadu,
High Court Compound,
Chennai – 600 104
- .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to regularise the services of the petitioner from the date she completed 10 years of service and fix her in regular time scale of pay from the date of such regularization and consequently to pay her all arrears of salary and allowances, together with interest at 12% per annum within a time frames.

For Petitioner : Mr.K.M.Ramesh
For Respondents : Mr.K.Ravi Kumar,
Additional Government Pleader for
R1 and R2
Mr.C.T.Mohan for R3

ORDER

This Writ Petition is filed by the petitioner praying for issuance of a Writ of Mandamus directing the respondents to regularize her service from the date, she completed 10 years of service and to fix her in regular time scale of pay from the date of such regularization and consequently to pay her all arrears of salary and allowances, together with interest at 12% per annum within a time frame.

2. Heard the submission of learned counsel appearing for the petitioner, so also, the learned counsel appearing for the respondents.

3. It appears that the petitioner was appointed as a part time Menial worker in the office of the Industrial Tribunal, Chennai on 21.07.1995 and rendering her service, since then, with a remuneration of Rs.95/-pm. Further, the petitioner submitted a representation on 24.02.2000 to the Hon'ble Chief Minister seeking to regularize her

service and to fix time scale of pay and accordingly, the remuneration has to be revised and the proposal for regularization of the petitioner has already been pending with the Government.

4 In the Counter Affidavit filed by the 4th respondent, it has been specifically stated that the petitioner has no case for regularization in view of the GO Ms.No.22, Personnel and Administrative Reforms Department dated 28.02.2006, inasmuch as, the petitioner was appointed in a consolidated pay. However, the learned counsel appearing for the 4th respondent has submitted that if the Government so desires, may regularize her service.

5. I am told that similarly situated part time workers working in different Courts / Tribunal, the Government have already considered their case sympathetically and regularized their service. In view of the said submission, the 4th respondent is directed to submit such application of the petitioner, expeditiously, to the Government for regularization of the petitioner, who is stated to be going to attend the age of superannuation prescribed for Government Servant shortly. Needless to say that on such submission of the proposal to the Government in the concerned department, the same shall be considered

within three months thereof, taking note of the fact that if some part time workers similar circumstanced have been regularised notwithstanding the attainment of age of superannuation prescribed by for Government servant attended by the petitioner, giving such regularization notionally, so that, the petitioner may get some retrial benefits. But this order should not be construed as an expression of any opinion of this Court on the merit of the application for regularization.

7. With the above direction, this writ petition stands disposed of. No costs.

Index : No
Internet : Yes
rka

28.03.2018

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SATRUGHANA PUJAHARI
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