

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.3.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal Nos.1343 to 1345 of 2016

1. The State of Tamil Nadu
rep. by its Secretary
Higher Education Department
Fort St. George
Chennai 600 009.
 2. The Executive Engineer
Technical Education Division No.1
No.82, Kayathemilleth Street
Trichy 20.
 3. The Assistant Executive Engineer (Electrical)
Technical Education Sub Division
Government College of Engineering Campus
Tirunelveli 7.
 4. The Assistant Engineer (Electrical)
Technical Education Section
Government College of Engineering Campus
Tirunelveli 7.
- Appellants in
all W.As.

Vs.

S.Ravirajan .. Respondent in
WA No.1343/16

R.Arsingh .. Respondent in
WA No.1344/16

K.Perumalsami .. Respondent in
WA No.1345/16

Appeals under Clause 15 of Letters Patent directed against
the order dated 28.4.2016 made in W.P.Nos.6410, 6411 & 6412 of
2014.

Petition under Article 226 of the constitution of India,
praying for issue a Writ of Mandamus, directing the first
respondent herein to consider the representation dated

10.12.2013 to being to petitioner above named in CO regular established/time Scot of Writ all consequential benefits with Service and money.

For Appellants : Mr.K.Karthikeyan
Government Advocate
For Respondent : Mr.M.T.Arunan

J U D G M E N T
(Made by Huluvadi G.Ramesh, J)

The writ appeals have been directed against the order of the learned single Judge dated 28.4.2016 made in W.P.Nos.6410, 6411 and 6412 of 2014.

2. The State has preferred these appeals. All the respondents herein filed writ petitions seeking a direction to the first appellant to consider their representations for bringing them into regular establishment/time scale of pay with all consequential benefits, both service and monetary.

3. A counter has been filed before the learned single Judge stating that the respondents have been appointed on daily wage basis as Part Time/Non Muster Roll in the Engineering College and that their services cannot be regularised, in view of the fact that G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, which enables for the regularisation of persons who have put in 10 years of service has been subsequently withdrawn by G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department dated 27.6.2013 and also in view of the ratio laid down by the Apex Court in School Education Department, Chennai v. R.Govindasamy [(2014) 4 SCC 769], that regularisation is not permissible and it is permissible only in exceptional cases as stated therein.

4. Mr.M.T.Arunan, learned counsel appearing for the respondents would submit that the respondents have already put in 23 years of service as Gardener, Pump Operator and Electrician in the Engineering College in Tirunelveli and they have been in service continuously and therefore, they are entitled to be regularised. In support of his contention, he relied upon the decision of this Court in Union of India v. Central Administrative Tribunal, Chennai [W.P.Nos.25490 to 25493 & 25574 to 25577 of 2002 dated 25.8.2006], and the decision of the Apex Court in Union of India v. Shelvam [SLP (C) Nos.14953-14960/2007 dated 26.10.2009].

5. Considering the fact that the respondents are in continuous service for 23 years as Casual Labour/Non Muster Roll in the categories as mentioned above and since the facts and circumstances regarding relaxation is now governed by the ratio

laid down by the Supreme Court in School Education Department, Chennai v. R.Govindasamy [(2014) 4 SCC 769], which deals with regularisation of temporary employees, we direct the first appellant to consider the request of the respondents for regularisation of their service and to pass orders in accordance with law, as per the ratio laid down from time to time, within a period of three months from the date of receipt of a copy of this order. However, in the context, since the respondents are continuing in service, we hope that the Government will not disturb their services.

6. The writ appeals stand disposed of accordingly. There shall be no order as to costs. Consequently, CMP Nos.17218 to 17220 of 2016 are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

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+1 CC to Govt. Advocate sr 1968.

+4 Ccs to Mr.M.T. Arunan, Advocate sr 19416 to 19419.

W.A.Nos.1343 to 1345 of 2016

KAN(CO)
SP(09/04/2018)