



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14260 of 2018

Mrs.K.Veerammal

... Petitioner

Vs.

- 1) The Government of Tamil Nadu,
Rep., by its Secretary,
Department of School education,
Fort St.George,
Chennai 600 009
- 2) The Director of School Education,
Office of the Director of School Education,
College Road,
Chennai 600 006
- 3) The District Educational Officer,
District Educational Office,
Opposite to Rethina Theater,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to regularize the service of the petitioner's husband in the post of part-time sweeper and to provide the retirement benefits within the time stipulated by this Court.

For Petitioner : Mr.Mahaboob Fezil, for
Mr.T.Lajapathi Roy
For Respondents : Mr.M.Murugan,
Government Advocate.

O R D E R

The prayer sought for in the Writ Petition is for a Writ of Mandamus, directing the respondents 1 and 2 to regularize the service of the petitioner's husband in the post of part-time Sweeper and to provide the retirement benefits within the time stipulated by this Court.

2. Heard Mr. T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3. The petitioner's husband was appointed as a Sweeper at the respondent Department and had been working for very long years. However, inspite of the long service rendered, his service was not regularised and therefore, he was working temporarily. While so, on 20.08.1997, the petitioner's husband died. Thereafter, the petitioner, in order to get the service of her husband regularised and consequently, seeking the service benefits of her husband, has made a representation on 25.06.2018 to the respondents.

4. The learned counsel appearing for the petitioner would submit that, if the said representation of the petitioner is considered by the respondents and an order to that effect is passed, the petitioner would be satisfied.

5. Mr.M.Murugan, learned Government Advocate appearing for the respondents, would submit that, since the husband of the petitioner died in the year 1997, all these years, the petitioner has not raised this issue and now, all of a sudden, she has come up with this Writ Petition.

6. Be that as it may, since the petitioner's husband had been working for several long years at the respondent office and died in the year 1997, without getting regularisation, which means, that the petitioner has not been given any service or death cum pensionary benefits.

7. Whether the petitioner's husband was entitled to get regularisation and consequently, whether the petitioner's husband is entitled to get service benefits payable to the petitioner is a matter to be decided by the respondents and in this regard, since the petitioner has given a representation dated 25.06.2018 to the respondents, this Court is inclined to pass the following orders:

" that the third respondent is directed to consider the said request of the petitioner dated 25.06.2018 on merits and in accordance with law and take a decision thereon, taking into account the longstanding service rendered by the petitioner's husband and accordingly, pass orders within a period of six weeks from the date of receipt of a copy of this order."

With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (T&P)



- 1) The Secretary,
Government of Tamil Nadu,
Department of School education,
Fort St.George, Chennai 600 009
- 2) The Director of School Education,
Office of the Director of School Education,
College Road, Chennai 600 006
- 3) The District Educational Officer,
District Educational Office,
Opposite to Rethina Theater,
Tirunelveli District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 71150
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71288

STS

TE/SKN/SAR-1 : 27/09/2018 : 3P/6C

Order made in
W.P. (MD) No.14260 of 2018
04.07.2018