



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD)No.3619 of 2013

M.Nallaponnu

... Petitioner

Vs.

1.The Commissioner,  
Adi Dravidar Welfare Department,  
Chepak,  
Chennai-5.

2.The District Adidraavidar and Tribal Welfare Officer,  
District Adidraavidar and Tribal Welfare Office,  
Theni District.

3.The Employment Officer,  
District Employment Office,  
Theni,  
Theni District.

4.The Matron (Warden)  
Government Girl's Hostel (Adidraavidar Welfare)  
Bodinayakkanoor,  
Theni District.

... Respondents

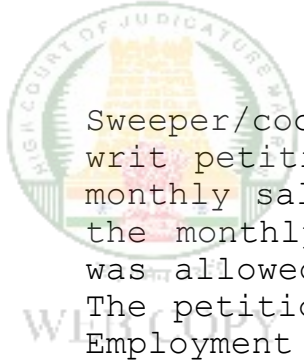
**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2<sup>nd</sup> respondent in Na.Ka.No.24511/2001 dated 20.07.2011 and quash the same as illegal and consequently direct the 1<sup>st</sup> and the 2<sup>nd</sup> respondents herein to regularize the service of the petitioner within the statutory period with all consequential and attendant benefits.

For Petitioner : Mr.C.Kayalvizhi  
For Respondents : Mr.R.Sethuraman

**ORDER**

The order impugned dated 20.07.2017 issued by the second respondent in respect of the claim of the petitioner for regularization of service is under challenged in this writ petition.

2.The learned counsel appearing on behalf of the petitioner states that the writ petitioner was initially engaged as a



Sweeper/cooking Assistant in the fourth respondent/ Hostel and the writ petitioner admits that the fourth respondent Matron had given monthly salary of Rs.150/- to the writ petitioner and subsequently, the monthly salary was increased to Rs.300/-. The writ petitioner was allowed to work in the Hostel with effect from the year 1988. The petitioner claims that she registered her name in the District Employment Exchange, Madurai on 30.03.2011 and working in the Hostel by receiving the salary disbursed by the fourth respondent for the past 23 years. This being the fact, the writ petitioner is eligible to be regularized in the sanctioned post.

3.The learned Special Government Pleader on behalf of the respondents submitted that the petitioner himself admitted the fact that she had joined as Sweeper cum Cooking Assistant in Government Girls Hostel(ADW), Bodinayakkanoor, Theni District. The salary was paid by the Matron and not from the Government funds. He further stated that the writ petitioner had not filed with any supporting documents in respect of her appointment by the competent authorities. Further, the claim of the writ petitioner that she had continuously submitted representations from the year 1997 cannot be considered, in view of the fact that the writ petitioner was not appointed in accordance with the recruitment rules in force by the competent authority. This Court is of an opinion that the writ petitioner had not established her claim in respect of the initial appointment. There was no order of appointment enclosed in the typed-set of papers. Further, the writ petitioner admitted the fact that the salary of Rs.150/- and subsequently, Rs.3,00/- was paid by the fourth respondent Matron.

4.This being the fact, the question of considering of the case of the writ petitioner for regularization does not arise at all. The engagement of the writ petitioner was not in accordance with rules in force by issuing appointment order and engaged by the competent authority under the Government Rules. She was engaged as an employee in a private capacity by the fourth respondent/Matron. This being the factum, no further consideration is required in this writ petition and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

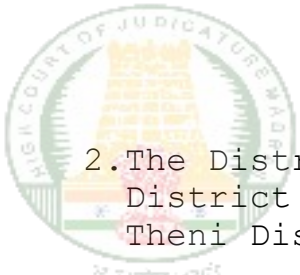
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,  
Adi Dravidar Welfare Department,  
Chennai-5.



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Theni,  
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4.The Matron (Warden)  
Government Girl's Hostel (Adidraavidar Welfare)  
Bodinayakkanoor,  
Theni District.

+1CC TO M/S.R.RAJARAMAN, ADVOCATE, SR NO.49183  
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.49855

W.P. (MD) No.3619 of 2013  
16.02.2018

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**MS/KK/SAR-2/16.03.2018/3P.7C**