

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15640 of 2004

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to regularize the services of the petitioner in the 1st respondent-school from the date of her initial appointment with all consequential benefits including arrears of back wages, and further, to declare the action of the respondents in not regularizing the services as arbitrary, illegal, violative of principles of natural justice and Articles 14 and 16 of the Constitution of India.

2. Heard Sri V. Raghu, learned Counsel for the petitioner and the learned Government Pleader for School Education.

3. It is the case of the petitioner that she was appointed as Aaya/attender in the 1st respondent-school during 1979 on consolidated salary of Rs.350/- p.m., and subsequently, her salary was enhanced from time to time, and she was getting Rs.3,000/- per month during 1995. The grievance of the petitioner is that the 1st respondent is not forwarding the proposals for regularization of her services, and in those set of circumstances, she filed W.P.No.24477/2001 and this Hon'ble Court was pleased to dispose of the said W.P. on 19.12.2002 directing the District Education Officer to make an enquiry as to

whether the petitioner was working with the 1st respondent-school, and submit a report. The petitioner further contended that in pursuance of the orders of this Court, the District Education Officer conducted a detailed enquiry and submitted his report, and basing upon the said report, wherein it was stated that the petitioner may be continued on humanitarian grounds and the petitioner may be paid salaries from 1.6.2001 as per rules as she would be continued in service without any hindrance, the 1st respondent was directed to submit proposals for disbursement of salaries to the petitioner. The petitioner further contended that though the District Education Officer submitted report in favour of the petitioner, the 1st respondent has neither allowed the petitioner to continue in service nor submitted proposals for payment of salaries, and in those set of circumstances, the petitioner submitted a representation to the respondents on 23.8.2004 and so far, no orders have been passed on the said representation and therefore, appropriate orders may be passed directing the respondents to pay salaries to the petitioner and also to regularize her services.

4. The learned Counsel for the petitioner contends that the petitioner has rendered service from 1979 to 2001 with the 1st respondent and atleast service benefits, to which the petitioner is entitled, may be directed to be paid by the respondents and

appropriate orders may be passed to that effect in the writ petition.

5. The learned Government Pleader for the respondents contends that the District Education Officer conducted a detailed enquiry and submitted a report to the effect that the petitioner should be continued but on humanitarian grounds and the 1st respondent has to submit proposals for disbursing salaries to the petitioner and that appropriate orders may be passed in the writ petition directing the 1st respondent to consider the case of the petitioner for grant of terminal benefits for the service rendered by the petitioner from 1979 to 2001 as she was not allowed to join duty.

6. This Court having considered the rival submissions made by the parties is of the view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order, staking her claim for payment of service benefits for the service rendered by her. On such representation being received, the 1st respondent shall consider the same and pass appropriate orders in accordance with rules in another four weeks thereafter.

7. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order, staking her claim for payment of service benefits for the service rendered by her. On such representation being received, the 1st respondent shall consider the same and pass appropriate orders in accordance with rules in another four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th December, 2018
Nn



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.15640 of 2004
(disposed of)

10th December, 2018

Nn