

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.1453 of 2015

Sarasu

...Petitioner

Vs.

1. The Director of Rural Development and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai - 600015.
2. The Secretary to the Government
for Rural Development and Panchayat Raj,
Secretariat,
St.George Fort, Chennai - 600009.
3. The Collector,
Thanjavoor District,
Thanjavoor.
4. The Development Officer,
District Collector Officer,
Thanjavoor.
5. The Commissioner,
Block Development Office,
Papanasam, Thanjavoor District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to regularize the petitioner's service since 24.08.1985.

For Petitioner : Mr.P.Solomon

For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner seeks for regularization of her service since 24.08.1985.

2. The grievance of the petitioner is that though she was appointed as Sweeper at Panchayat Union Dispensary, Chakkarapalli Union Panchayat, Papanasam, as early as on 24.08.1985 and she is continuously working in the said post all these years, the respondents have not chosen to regularize the service so far. It is her further case that the Commissioner of Papanasam Panchayat Union has also made recommendation through his proceedings dated 15.06.2001 and 13.11.2006 to the District Collector for regularizing her service. However, as the petitioner was not regularized so far, she has chosen to file the present writ petition.

3. In the counter affidavit filed by the respondents 3 and 5, though it is admitted that the petitioner was sponsored by the Employment Exchange and appointed as Sweeper in the Panchayat Union, Papanasam on 24.08.1985, she could not be appointed to the permanent post, since she is not having the minimum educational qualification prescribed for the post of Junior Assistant/Tax Collector to which a pass in the Xth Standard is required.

4. Heard both sides.

5. There is no dispute to the fact that the petitioner was sponsored by the District Employment Exchange, Thanjavur and appointed as Sweeper on 24.08.1985 and the petitioner joined the duty on 11.09.1985. There is also no dispute to the fact that the petitioner is continuously rendering her service all these years. The respondents have admitted in their counter affidavit that as per G.O.(D) No.39 dated 07.05.2013, the petitioner has been brought under the special scale of pay with effect from 07.05.2013.

6. Perusal of the G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 would show that the Government directed the services of the daily wages employees working in all Government Departments who have rendered 10 years of service as on 01.01.2006 be regularized by appointing them in the time scale of pay of the post in accordance with the service conditions prescribed for the post concerned, subject to their being qualified for the post.

7. Admittedly, as on the date of issuance of the said G.O, the petitioner was in service. Therefore, the petitioner is entitled to get the regularization of her service. When it is

admitted by the respondents that the petitioner was sponsored through the Employment Exchange and consequently, appointed to the post of Sweeper, I do not think that there will be any impediment for the respondents to consider the petitioner for regularizing her service from the date of her appointment.

8. Accordingly, the writ petition is allowed and the respondents are directed to regularize the service of the petitioner from the date of her appointment and consequently, to grant the monetary benefits derived out of such regularization. Such exercise shall be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sni/vri
To

1. The Director of Rural Development and Panchayat Raj, Panagal Buildings, Saidapet, Chennai - 600015.
2. The Secretary to the Government for Rural Development and Panchayat Raj, Secretariat, St.George Fort, Chennai - 600009.
3. The Collector, Thanjavoor District, Thanjavoor.
4. The Development Officer, District Collector Officer, Thanjavoor.
5. The Commissioner, Block Development Office, Papanasam, Thanjavoor District.

+1cc to Mr.P.Solomon, Advocate, S.R.No.39511
+1cc to the Government Pleader, S.R.No.39894

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KJI (CO)
CS/04/06/2019