

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.20007 of 2010

S.KALAIYARASAN

..Petitioner

Vs

- 1 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE,
CHENNAI-9.
- 2 THE DIRECTOR OF SCHOOL EDUCATIOIN,
COLLEGE ROAD, CHENNAI-6.
- 3 THE DISTRICT EDUCATION OFFICER,
MYLADUTHURAI, NAGAPATTINAM DISTRICT.

..Respondents

Prayer:-

This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondents to regularize the services of the petitioner in the post of Junior Assistant with effect from 22.06.90 and consequently grant all the increments promotions and other service benefits.

For Petitioner : Ms.Swathi Subramaniam

For Respondents: Mr.K.Karthikeyan, Govt. Advocate

ORDER

The writ petitioner was appointed as Record Clerk by proceedings dated 06.11.1987 by the 3rd respondent on compassionate grounds. His services was regularised from the date of joining on 09.11.1987 as Record Clerk. Thereafter, the petitioner was promoted to the post of Junior Assistant on 22.6.1990. The grievance of the petitioner is that his services are not regularised in the post of Junior Assistant, which is stated to be due to administrative delay.

2. It is further averred in the writ petition that even though there were correspondence between the 2nd and 3rd respondent in respect of proceedings dated 19.06.1997 viz., proposal for regularization along with necessary documents, no action has been taken to regularise the petitioner's services in the post of Junior Assistant.

3. Even though the prayer in this writ petition is for a direction to the respondents to regularize the services of the petitioner in the post of Junior Assistant, during the course of argument, the learned counsel for the petitioner restricted his relief and sought for a direction to the respondents to consider the petitioner's representation dated 07.06.2010, within the time specified by this court.

4. The learned Government Advocate, appearing for respondents 1 to 3, submitted that a copy of the said representation dated 07.06.2010, which is enclosed in the typed set of papers does not have any acknowledgment proof of sending the same. Therefore, if a fresh representation is preferred, the same will be considered by the respondents and appropriate orders will be passed.

5. On hearing the learned Government Advocate, for respondents 1 to 3, and the learned counsel for the petitioner, the writ petition is disposed of on the following directions:-

(i) The petitioner is directed to prefer a fresh representation to the respondents seeking regularization of his services in the post of Junior Assistant by furnishing all necessary details.

(ii) The respondents, on receipt of such representation, shall consider and pass appropriate orders, on merits and in accordance with law, within two weeks from the date of said representation.

No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT
FORT ST. GEORGE, CHENNAI-9.
- 2 THE DIRECTOR OF SCHOOL EDUCATIOIN,
COLLEGE ROAD, CHENNAI-6.
- 3 THE DISTRICT EDUCATION OFFICER,
MYLADUTHURAI, NAGAPATTINAM DISTRICT.

+1cc to Government Pleader, in S.R.No.88764

WP.20007 of 2010

RR(CO)
CS/10/12/2019



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