

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.1583 of 2018

G.Balasundaram

.. Petitioner

-vs-

1. Mr.Pradeep Yadav
Secretary to Government
School Education Department
Fort St.George
Chennai 600 009
2. Thiru.Karuppuswamy
Director of Elementary School Education
DPI Campus, College Road
Chennai 600 006
3. Thiru.Rajendran
District Elementary Educational Officer
Thiruvannamalai District
4. Thiru.Balaraman
Assistant Elementary Educational Officer
Vembakkam Panchayat Union
Vembakkam, Thiruvannamalai District

.. Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for wilful disobedience of the order of this Court dated 28.11.2017 made in W.P.No.30735 of 2017.

For Petitioner	::	Ms.Dakshayani Reddy
For Respondents	::	Mr.K.Karthikeyan Government Advocate

ORDER

This contempt petition has been filed complaining the non-compliance of the order dated 28.11.2017 passed in Writ Petition No.30735 of 2017 (G.Balasundaram v. The Secretary to Government, School Education Department, Chennai and others), wherein a direction has been issued to consider the case of the petitioner for regularisation, since the petitioner has been in service for more than 36 long years as a part-time Sweeper, in the light of the earlier orders passed in W.P.(MD) Nos.6700 to 6705 of 2008 dated 4.12.2008 followed in W.P.No.27607 of 2010 dated 23.12.2010 along with G.O.Ms.No.111, School Education Department dated 9.5.2012 and G.O.(3D) No.105, School Education Department dated 18.7.2012.

2. The learned Government Advocate for the respondents, producing the proceedings dated 19.7.2018 passed by the Director of Elementary Education, stated that the direction given by this Court to consider the petitioner's representation has been duly complied with. It is also brought to my notice that since the petitioner is a part-time Sweeper, as per the ratio laid down by the Apex Court in **Secretary to Government, School Education Department, Chennai v. R.Govindaswamy and others, (2014) 4**

SCC 769, he is not entitled to seek regularisation as he is not working in a sanctioned post and there cannot be a

direction for absorption, regularisation or permanent continuance of part-time temporary employees.

3. This Court, fully agreeing with the order passed by the second respondent, is not inclined to proceed further with the contempt proceedings. Accordingly, the contempt petition stands dismissed.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

ss

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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