

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.2007 of 2019
and CMP No.13578 of 2019

- 1 THE SECRETARY TO GOVERNMENT
ADI-DRAVIDER AND TRIBAL WELFARE DEPARTMENT
FORT ST GEORGE CHENNAI-09
- 2 THE COMMISSIONER OF ADI-DRAVIDAR WELFARE
CHEPAUK CH-05
- 3 THE DISTRICT ADI-DRAVIDA WEL FARE OFFICER
PERAMBALUR.
- APPELLANTS
- Vs
- 1 S.CHITTIBABU
S/O. SADAYAPPAN NIGHT WATCH MAN
ADI DRVIDAR WELFARE HIGHER SECONDARY SCHOOL
ALAMPADI PERAMBALUR DIST
- RESPONDENT

APPEAL filed under Clause 15 of the Letters Patent to
set aside the order dt 09/07/2018 made in WP No.21724/2014.

सत्यमेव जयते

Prayer in WP No.21724/2014:

Writ Petition filed under Article 226 of the
Constitution of India Praying to issue a Writ of Mandamus
directing the respondents to regularize the service of the
petitioner as Night Watchman in Adi Dravida Welfare Higher
Secondary School Alampadi Perambalur District with time
scale of pay w.e.f. 18.4.1995 with all consequential
services and monetary benefits.

For Appellants : Mrs.A.Sri Jayanthi
Special Government Pleader

For Respondent : Mr.M.Gnanasekar

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,) The learned single Judge after taking into account the order passed in the connected Writ Petition in W.P.No.15941 of 2013 allowed the Writ Petition filed by the respondent and a mandamus was issued to regularise the services in the post of Night Watchman in the Adi Dravidar Welfare Department. The said order is under challenge at the instance of the State.

2. The documents available on record indicates that the respondent was appointed as a Night Watchman in the Adi Dravidar Welfare Higher Secondary School, Alampadi, in the district of Perambalur with effect from 18.04.1995. Similarly, two other employees, namely, Dhanalakshmi and Ammasi were also appointed. It is a matter of record that Tmt.Dhanalakshmi filed a Writ Petition in W.P.No.26721 of 2009 for regularisation of service. The said Writ Petition was allowed by order dated 01.10.2012. It is also a matter of record that pursuant to the order passed by the Writ Court, the services of Tmt.Dhanalakshmi were regularised. The said order was followed in the case of one Ammasi in W.P.No.15941 of 2013. The Adi Dravidar Welfare Department pursuant to the order dated 14.06.2013 in W.P.No.15941 of 2013 regularised the services of Ammasi.

3. The respondent is similarly situated in all respects. The appellants treated the respondent in a different way notwithstanding the fact that all the three appointments were made temporarily taking into account the exigency of service.

4. The appellants extracted the work from the respondent. However, when it comes to the question of regularisation, the respondent was discriminated. The services of other employees were regularised pursuant to the orders passed by this Court. The learned single Judge followed the earlier orders in the two Writ Petitions and rightly directed regularisation of the services of the respondent. We do not find any reason to take a different view.

5. In the upshot, we dismiss the intra Court appeal. We direct the appellants to issue a formal order of regularisation in the case of the respondent as expeditiously as possible, and in any event, within a period of three (3) months from the date of receipt of a copy of this judgment. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To,

1 THE SECRETARY TO GOVERNMENT
ADI-DRAVIDER AND TRIBAL WELFARE DEPARTMENT
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2 THE COMMISSIONER OF ADI-DRAVIDAR WELFARE
CHEPAUK CH-05

3 THE DISTRICT ADI-DRAVIDA WEL FARE OFFICER
PERAMBALUR.

+1cc to Mr.M.Gnanasekar , Advocate SR.No. 56198
+1 cc to Government Pleader Sr.No. 56510

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A.SK(05/08/2019)

सत्यमेव जयते
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