

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16380 of 2019

and

W.M.P.No.16066 of 2019

- 1.A.Kalidoss
- 2.S.Mariappan
- 3.Sanjeevi Ammal
- 4.A.Parvathi
- 5.S.Chandra Rani
- 6.P.Primal Ammal
- 7.G.Shanmugakani
- 8.A.Karuppasamy
- 9.K.Karpagam
- 10.M.Shanmugathai

..Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Home (Police) Department,
Secretariat, Chennai - 600 009.
2. The Director General of Police,
Tamilnadu,
Santhome, Chennai - 600 004.
3. The Superintendent of Police,
Tuticorin District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularise the services of the petitioners in the regular time scale pay of Rs.4800-1000+grade pay of Rs.1300/- from the date of initial appointment by relaxing the rules in the GO Ms No.110 Home (Police XV) dated 17.02.2011.

For Petitioners : Mr.R.Ganesh Babu

For Respondents : Mrs.R.Janaki
Additional Government Pleader

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to regularize the services of the petitioners herein in the regular time scale pay of Rs.4,800 - 1,000 + grade pay of Rs.1,300/-, from the date of initial appointment by relaxing the rules in the G.O.Ms.No.110 Home (Police XV) Department dated 17.02.2011.

2.The case of the petitioners is that the petitioners were appointed separately by the third respondent during different years as sweepers and posted on consolidated basis of Rs.70/- per month and they were working for more than 18 years. Even after completion of 10 years of service, they have not regularized from the date of original appointment, but they were regularized only on special time scale of pay by the third respondent by his proceedings bearing Na.Ka.No.J3/51869/2010 subsequent order No.709/2012 dated 09.04.2012. Subsequently, the workers who were appointed on par with the petitioners Viz., Parvathy and K.Kannan were regularized by the concerned Authorities by proceedings No.Na.Ka.No.47446/A2/2006 dated 12.02.2007 from the date of G.O.Ms.No.977 Home (Pol XV) Department dated 12.10.2006 on regular time scale of pay. Similarly placed employees attached with Coimbatore range were already regularized on 13.02.2008 by the proceedings of the Commissioner of Police, Coimbatore vide proceedings Na.Ka.No.65845/N1/2007 from the date of G.O.Ms.No.1426 Home (Pol XV) Department dated 11.01.2007 on regular time scale of pay.

3.Likewise, some of the employees attached to Trichy Division were also regularized by proceedings Na.Ka.No.A2/15925/2007 dated 07.02.2007 from the date of G.O.Ms.No.1426 Home (Pol XV) Department dated 11.10.2007 on regular time scale of pay. Whereas the petitioners are regularized only on Special Time Scale of Pay by the third respondent by his proceedings Na.Ka.No.J3/51869/2010 subsequent order No.709/2012 dated 09.04.2012. The petitioners sent representations to the third respondent for regularization of their services on regular time scale of pay for which the third respondent issued memo bearing No.Na.Ka.No.J3/35276/2016 dated 26.08.2016. Hence the petitioners have filed this Writ Petition before this Court.

4.This Court perused the order dated 26.08.2016 wherein the third respondent informed the petitioners as per G.O.Ms.No.1426 Home (Pol XV) Department dated 11.10.2007 that daily wages employees were regularized after completion of a period of 10 years on or before 01.06.2006. Accordingly, they sent a proposal to the Government for regularization of the petitioners and that proposal is pending with the second respondent.

5.The learned counsel for the petitioners would submit that it would be suffice to issue direction to the second respondent to consider the proposal sent by the petitioners in accordance with law.

6.In view of the above, I am inclined to issue direction to the 2nd respondent to pass orders on the proposal sent by the petitioners dated 02.06.2015 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Home (Police) Department,
Secretariat, Chennai - 600 009.
2. The Director General of Police,
Tamilnadu,
Santhome, Chennai - 600 004.
3. The Superintendent of Police,
Tuticorin District.

+1 cc to M/s.R.Ganesh Babu, Advocate, S.R.No.78099

+1 cc to the Government Pleader, S.R.No.78492

PPA(CO)
SSM(04/11/2019).

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