



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.14653 of 2019

and

W.M.P. (MD)No.11100 of 2019

- 1.Samuthirapandi
- 2.Pandi
- 3.Chithravel
- 4.Arumugam
- 5.Murugan
- 6.Mariammal

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Finance,
Secretariat, Fort St. George,
Chennai - 600 009.
- 3.The Principal Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai - 600 018.
- 4.The Director of Medical Education,
No.167, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.
- 5.The Dean,
Thoothukudi Government Medical College,
Thoothukudi.

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Mandamus, directing the respondents to consider the petitioners' case for regularisation in the respective posts in which they are presently working in the women and men hostel of the fifth respondent College, by considering their representations dated 03.01.2018 and 19.06.2019, within a time frame to be fixed by this Court.



For Petitioners : Mr.G.Thalaimutharasu
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioners' case for regularisation in the respective posts, in which, they are presently working in the women and men hostel of the fifth respondent College, by considering their representations dated 03.01.2018 and 19.06.2019, within a time frame to be fixed by this Court.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents.

3.According to the petitioners, they are working in the fifth respondent's Hostel under contract basis from the year 2001. Since they have already been working for more than ten years, by relying upon G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 and G.O.Ms.No.74, dated 27.06.2013, made a representation to the respondents on 02.01.2018 and the same is still pending. Hence, the petitioners have filed the present Writ Petition before this Court seeking the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents submitted that G.O.Ms.No.22, dated 28.02.2006, is applicable only to full time daily wage employees appointed against the sanctioned vacancies paid not out of contingent fund or on consolidated pay. They must also have completed 10 years of continuous service as on 01.01.2006. Further, by G.O.Ms.No.74, the Government clarified that G.O.Ms.No.22, Personnel and Administrative (Reforms) Department, dated 28.02.2006, is not applicable to part time employees, consolidated pay employees and employees appointed on temporary basis. The learned Additional Government Pleader further submitted that the part time employees are not entitled to seek regularisation even when they had put in long years of service, because they are not working against the sanctioned posts in the light of the decision of the Hon'ble Supreme Court in the case of **Secretary to Government, School Education Department vs. Thiru.R.Govindasamy and others** reported in 2014 (4) SCC 769 and therefore, the learned Additional Government Pleader prayed for dismissal of this Writ Petition.

5.In the light of the above said submissions made by the learned Additional Government Pleader, without expressing any opinion on the merits of the claim made by the petitioners, this Court directs the respondents to consider the petitioners' request and take a decision as expeditiously as possible, in the light of the decision of the Hon'ble Supreme Court in **Secretary to Government, School Education Department vs. Thiru.R.Govindasamy and others** reported in 2014 (4) SCC 769.



6.This Writ Petition is disposed of, with the above direction.
No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

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// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to Government of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Principal Secretary to Government of Tamil Nadu,
Department of Finance,
Secretariat, Fort St. George,
Chennai - 600 009.

3.The Principal Accountant General,
No.361, Anna Salai,
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Chennai - 600 018.

4.The Director of Medical Education,
No.167, E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.

5.The Dean,
Thoothukudi Government Medical College,
Thoothukudi.

+1 CC to M.G.THALAIMUTHARASU, Advocate SR-73059.

W.P. (MD) No.14653 of 2019
03.06.2019

CS: 12/07/2019 3P 7C