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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.16902 to 16905 of 2015

W.P(MD)No.16902 of 2015

A.Muniasamy

... Petitioner

vs.

1.The Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road, Nungampakkam,
Chennai - 600 006.

3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent relating to the Government issued in G.O(3D)No.11, School Education(R1) Department, dated 20.02.2012 and modify the same to the extent that the services of the petitioners are regularized with effect from the date of their first joining as part time sweeper on par with identically placed person i.e. Thiru.P.Subramanian as per G.O.(Perm)No.123, School Education Department, dated 17.08.2011 and Thiru R.Solairaju as per similarly the services of Thiru R.Solairaju was initially appointed as part time sweeper in the Government Higher Secondary School in Karur District have been regularized by the Government from the date of his joining as part time sweeper as per G.O.(Perm)No.88, School Education Department, dated 01.04.2010, with service benefits only as claimed by the petitioner within a specified time frame under Pension Rules that may be fixed by this Court.

W.P(MD)No.16903 of 2015

U.Nallakannan

... Petitioner



1.The Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road, Nungampakkam,
Chennai - 600 006.

3.The District Educational Officer,
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W.P(MD)No.16904 of 2015

G.Raman

... Petitioner

vs.

1.The Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road, Nungampakkam,
Chennai - 600 006.

3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

... Respondents



PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent relating to the Government issued in G.O(3D)No.11, School Education(R1) Department, dated 20.02.2012 and modify the same to the extent that the services of the petitioners are regularized with effect from the date of their first joining as part time sweeper on par with identically placed person i.e. Thiru.P.Subramanian as per G.O.(Perm)No.123, School Education Department, dated 17.08.2011 and Thiru R.Solairaju as per similarly the services of Thiru R.Solairaju was initially appointed as part time sweeper in the Government Higher Secondary School in Karur District have been regularized by the Government from the date of his joining as part time sweeper as per G.O.(Perm)No.88, School Education Department, dated 01.04.2010, with service benefits only as claimed by the petitioner within a specified time frame under Pension Rules that may be fixed by this Court.

W.P(MD)No.16905 of 2015

S.Muthu Mariammal

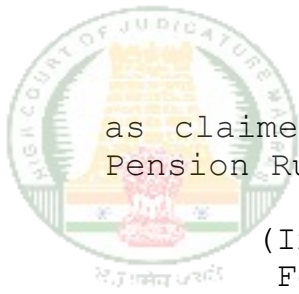
... Petitioner

vs.

- 1.The Secretary to Government,
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Secretariat,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungampakkam,
Chennai - 600 006.
- 3.The District Educational Officer,
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Ramanathapuram District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent relating to the Government issued in G.O(3D)No.11, School Education(R1) Department, dated 20.02.2012 and modify the same to the extent that the services of the petitioners are regularized with effect from the date of their first joining as part time sweeper on par with identically placed person i.e. Thiru.P.Subramanian as per G.O.(Perm)No.123, School Education Department, dated 17.08.2011 and Thiru R.Solairaju as per similarly the services of Thiru R.Solairaju was initially appointed as part time sweeper in the Government Higher Secondary School in Karur District have been regularized by the Government from the date of his joining as part time sweeper as per G.O.(Perm)No.88, School Education Department, dated 01.04.2010, with service benefits only



as claimed by the petitioner within a specified time frame under Pension Rules that may be fixed by this Court.

(In all W.Ps)

For Petitioner

: Mr.S.Visvalinam

For Respondents

: Mrs.S.Srimathy

Special Government Pleader

COMMON ORDER

All the Writ Petitions are filed seeking a direction to the first respondent to modify the Government order issued in G.O(3D) No.11, School Education(R1) Department, dated 20.02.2012 to the extent that the services of the petitioners are regularized with effect from the date of their first joining as part time sweeper on par with identically placed persons viz., one P.Subramanian, as per G.O.(Perm)No.123, School Education Department, dated 17.08.2011 and R.Solairaju, as per G.O.(Perm)No.88, School Education Department, dated 01.04.2010,

with service benefits only as claimed by the petitioners within a time frame as fixed by this Court.

2. Heard the learned Counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The learned Counsel appearing for the petitioners submitted that the issue involved herein had already been settled by the order of this Court in W.P.No.4859 of 2009, dated 24.02.2010, which was challenged before the Division Bench of this Court in W.A.No.1520 of 2010 and the same was also dismissed on 25.10.2010, against which, a Special Leave Petition was filed before the Honourable Supreme Court in S.L.P.No.CC.No.8231/2011, dated and the same was also dismissed on 12.01.2011. In view of the same, the Department also implemented the said order and granted the relief to the similarly placed persons vide G.O.Ms.No.123, dated 17.08.2011. Hence, the learned Counsel sought appropriate direction to the respondents.

4. The learned Special Government Pleader appearing for the respondents submitted that the claim of the petitioners would be considered by the respondents on merits and in accordance with law, within a time frame as fixed by this Court.

5. Considering the facts and circumstances of the case and also having regard to the fact that the petitioners are similarly placed persons and their cases have also to be considered on the same lines, the respondents are directed to consider the claim of the petitioners and pass appropriate orders, in the light of the order passed in W.P.No.4859 of 2009, dated 24.02.2010 as well as G.O.Ms.No.123, dated 17.08.2011, within a period of eight weeks from the date of receipt of a copy of this order.



6. All the Writ Petitions are disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (P & A)

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// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Secretary to Government,
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Chennai - 600 006.
- 3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

+4CC TO MR.S.VISVALINGAM, Advocate Sr. No.56863 TO 56866
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.57384

W.P (MD) Nos.16902 to 16905 of 2015
27.03.2019

TR (23.04.2019) 5P 9C