

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.16813 of 2014****and****M.P. (MD) .No.1 of 2014**

M.Suresh

... Petitioner

Vs.

1.The Commissioner,
Department of Treasury and Account,
Teynampet,
Chennai-600 018.

2.The Pay and Accounts Officer,
The Pay and Accounts Office(Unit-I)
South Masi Street,
Near Crime Branch,
Madurai-1.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularise the petitioner's service as a Scavenger with the Respondent No.2's office from the completion of three years from the date of joining service ie., from 2009 with consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Mu.Muthu

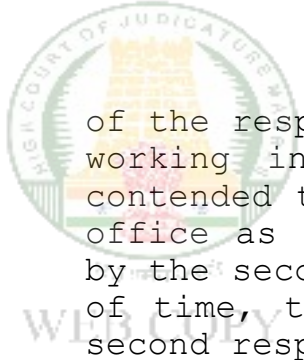
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to regularize the services of the writ petitioner as Scavenger in the second respondent office, on completion of three years of service from the date of joining ie., from the year 2009.

2.The learned counsel for the writ petitioner submits that the writ petitioner was working as a Scavenger in the second respondent office for more than 5 years. The petitioner was paid with the consolidated pay salary, in spite of the Government Order issued in G.O.Ms.No.385, dated 01.10.2010. Even the special time scale of pay as applicable has not been granted to the writ petitioner. Thus, the writ petitioner has filed the present writ petition for regularization and grant of special time scale of pay.

3.The learned Additional Government Pleader appearing on behalf



of the respondents made a submission that the writ petitioner is not working in the office of the second respondent. It is further contended that the mother of the writ petitioner was working in the office as Scavenger for some time. The counter affidavit was filed by the second respondent during the year 2014 and even at that point of time, the writ petitioner was not working in the office of the second respondent. When the petitioner himself is not working in the office of the second respondent for more than 5 years, the question of granting regularization would not arise at all.

4.The learned counsel for the writ petitioner made a submission that in respect of the salary for the period in which the petitioner worked should be considered. It is needless to state that if any arrears of salary is to be paid, the authorities are bound to pay the same to the writ petitioner. However, the benefit of regularization or time scale of pay cannot be granted, as the writ petitioner is not all in service for more than 5 years.

5.With the above observation, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner,
Department of Treasury and Account,
Teynampet,
Chennai-600 018.

2.The Pay and Accounts Officer,
The Pay and Accounts Office(Unit-I)
South Masi Street,
Near Crime Branch,
Madurai-1.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-78391[F] dated 30/07/2019)

+1 CC to M/s.SPL GP (SR-78479[F] dated 30/07/2019)

W.P. (MD) No.16813 of 2014

and

M.P. (MD) .No.1 of 2014