

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P Nos.1784, 1787, 1789 and 1790 of 2020

T.Sagayamary ...Petitioner in W.P.No.1784 of 2020
S.Amutha ...Petitioner in W.P.No.1787 of 2020
M.Devi ...Petitioner in W.P.No.1789 of 2020
C.Amulu ... Petitioner in W.P.No.1790 of 2020

vs.

1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Director of Adi Dravidar Welfare,
Ezhilagam Annex, Chepauk,
Chennai - 600 005.
3. The District Adi Dravidar Welfare Officer,
Vellore, Vellore District.
4. The District Adi Dravidar Welfare Officer,
Ranipettai, Ranipettai District.
5. The Head Master,
Government Adi Dravidar Welfare Girls and Boys
Higher Secondary School,
Arakkonam, Ranipettai District.

... Respondents in all W.Ps

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to pass necessary orders for the regularization of the petitioner working in the 5th respondent school under Adi Dravidar Welfare Department on the lines of G.O.Ms.No.35 School Education (VE) Department dated 09.02.2007 and G.O.Ms.No.47 School Education (R1) Department dated 02.03.2012 and another G.O.Ms.No.247 School Education (R)

Department dated 03.10.2012 issued for the regularization of Sweeper, Scavenger, Watchman etc., in the schools working under School Education Department, from the date of completion of 10 years, in the light of orders passed by the Division Bench of this Court in W.A.Nos.1258 of 2018 and batch dated 13.09.2019.

For Petitioners: Mr.K.R.Gunashekar
in all W.Ps

For Respondents: Mr.P.Selvakumar
in all W.Ps Additional Government Pleader

C O M M O N J U D G M E N T

The issues involved in all the four writ petitions are common and therefore, all the four writ petitions are taken up together and a common judgment is passed.

2.These writ petitions have been filed for issuance of a writ of mandamus directing the 1st and 2nd respondent to pass necessary orders and regularize the services of the petitioners.

3.The case of the petitioners is that, they were appointed as full time Scavenger/Sweeper in the Government Adi Dravidar Welfare Boys/Girls Higher Secondary School and they have put in services of 22/23/25/32 years respectively and they are only paid consolidated amount every month. According to the petitioners, the services of the petitioners will have to be regularized in line with various Government orders that have been passed in this regard and in line with the earlier judgments of this Court wherein, this Court had directed the regularization of the employees who are similarly placed like the petitioners. The petitioners have approached the respondents seeking for such a regularization. Since, the same was not done, the petitioners have approached this Court, seeking for appropriate reliefs.

4.Heard Mr.K.R.Gunasekar, learned counsel appearing on behalf of the petitioners and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing on behalf of the respondents.

5.The issue that is involved in this case has been dealt with by this Court on two occasions. On the first occasion, the learned Single Judge of this Court while disposing W.P.No.20730 etc., of 2012, by an order dated 16.02.2017 had directed the 1st

respondent to give the benefit of the Government orders and regularize the services of the petitioners from the date of their appointment.

6.The issue was again considered by the Division Bench of this Court in W.A.No.1258 etc., of 2018, dated 13.09.2019 wherein, the State Government had filed the appeal against the similar orders passed by the learned Single Judge. The Division Bench after going through the entire Government orders in this regard, came to a categorical conclusion that the persons who were similarly placed like the petitioners are entitled for regularization. The Division Bench took note of G.O.Ms.No.35, School Education (VE) Department, dated 09.02.2007 and G.O.Ms.No.47, School Education (R1) Department, dated 02.03.2012 and directed the Government to regularize the services of those who were serving as Sweeper, Watchman etc., within a time frame.

7.The petitioners, before this Court, are also entitled to be considered in line with the Government orders and the orders passed by this Court that have been referred supra.

8.The writ petitions are disposed of with a direction to the 1st respondent to consider the case of the petitioners and to pass necessary orders, within a period of six weeks from the date of receipt of copy of this order in line with the Government orders and in line with the judgments that have been referred supra. The petitioners are directed to make a fresh representation to the 1st respondent through the 5th respondent School along with a copy of this order.

9.These writ petitions are disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssr

To

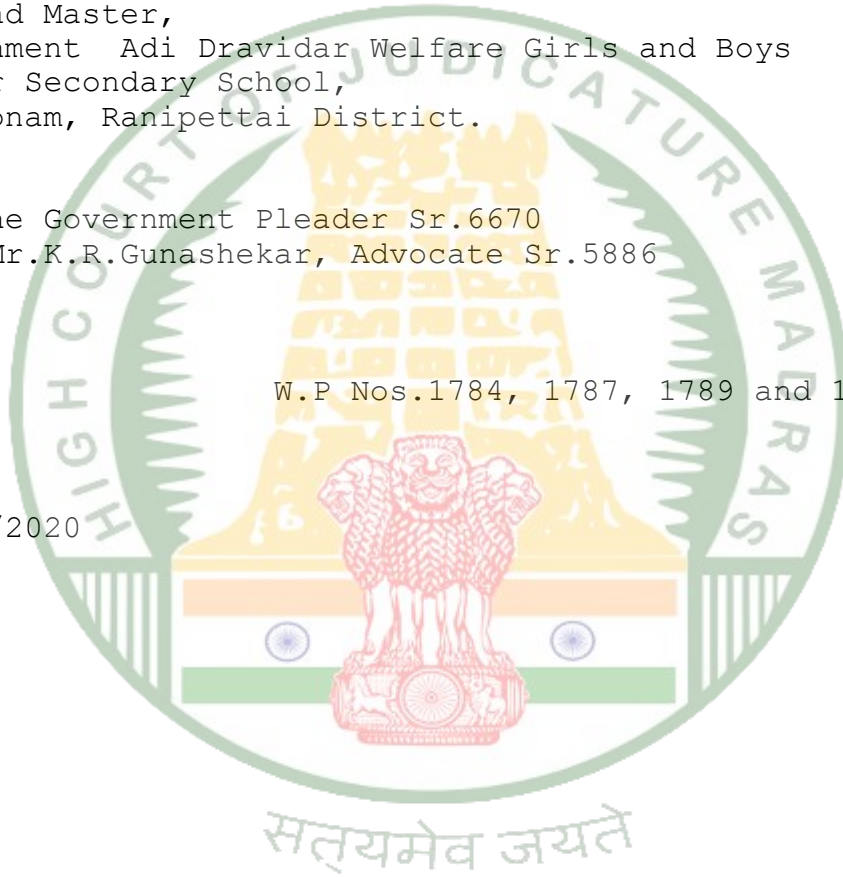
1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai - 600 009.

2. The Director of Adi Dravidar Welfare,
Ezhilagam Annex, Chepauk,
Chennai - 600 005.
3. The District Adi Dravidar Welfare Officer,
Vellore, Vellore District.
4. The District Adi Dravidar Welfare Officer,
Ranipettai, Ranipettai District.
5. The Head Master,
Government Adi Dravidar Welfare Girls and Boys
Higher Secondary School,
Arakkonam, Ranipettai District.

+1cc to the Government Pleader Sr.6670
+4ccs to Mr.K.R.Gunashekar, Advocate Sr.5886

W.P Nos.1784, 1787, 1789 and 1790 of 2020

cp[col]
srg 12/02/2020



WEB COPY