

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.2043 of 2020

K. Pinchalamma

... Petitioner

-Vs-

1. The Secretary to Government
School Education Department
Secretariat, Chennai 600 009.
 2. The Director of School Education
DPI Campus,
College Road, Nungambakkam, Chennai.
 3. The Chief Educational Officer
O/o. The Chief Educational Officer
Panagal Building, 1st Floor
Saidapet, Chennai 600 015.
 4. The District Educational Officer
Chennai East, Chennai 600 094
 5. The Correspondent
Muthuzaviya Oriental Higher Secondary School
Triplicane, Chennai 600 005.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ, order or Direction in the nature of a Writ, directing the respondents herein to regularize the services of the petitioner as scavenger and absorb her in regular time scale of pay from the date of initial appointment and consequently pay all monetary and attendant benefits.

For Petitioner : Mr. G. Arul Murugan

For Respondents : Mr. A.Rajaperumal
Additional Government Pleader
for R1 to R4.

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to pass necessary orders and regularize the services of the petitioner as scavenger and absorb her in regular time scale of pay from the date of initial appointment and consequently pay all monetary and attendant benefits.

2.The case of the petitioner is that, she was appointed as part time Scavenger in the fifth respondent Government Aided School and she has put in more than 20 years of service and she is only paid consolidated amount every month. According to the petitioner, the services of the petitioner 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 petitioner. The petitioner had been continuously requesting the respondents for regularization of her services and also made a detailed representation to the respondents on 04.06.2019 and also to the Assistant Commissioner, Laborers(Enforcement), Chennai. Since, the same was not considered, the petitioner has approached this Court, seeking for appropriate reliefs.

3.Heard Mr. G. Arul Murugan, learned counsel appearing on behalf of the petitioner and Mr. A.Rajaperumal, learned Additional Government Pleader appearing on behalf of the respondents.

4.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 petitioner from the date of their appointment.

5.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 petitioner 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.

6.The petitioner, before this Court, is also entitled to be considered in line with the Government orders and the orders passed by this Court as referred supra.

7.The writ petition is disposed of with a direction to the 1st respondent to consider the case of the petitioner 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 petitioner is directed to make a fresh representation to the 1st respondent through the 5th respondent School along with a copy of her representation dated 04.06.2019 and a copy of this order.

8.This writ petition is disposed of with the above directions. No Costs.

Sd/-

Assistant Registrar (C.S.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government, School Education Department
Secretariat, Chennai 600 009.
2. The Director of School Education, DPI Campus,
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3. The Chief Educational Officer
O/o. The Chief Educational Officer
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5. The Correspondent
Muthuzaviya Oriental Higher Secondary School
Triplicane, Chennai 600 005.

+1 cc to M/s.G.Arul Murugan, Advocate Sr.No. 6579
+1 cc to The Special Government Pleader Sr.No.7175

AKM/04.03.2020/3P-8C /

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