

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 20655 of 2015

S.Athirai

..Petitioner

Vs

1. The State of Tamilnadu
rep. by the Secretary to Government
Department of Education,
Fort.St.George, Chennai -09.

2. The Director of School Education,
DPI Complex, Egmore,
Chennai - 6.

3.The Joint Director of School Education,
DPI Complex, Egmore,
Chennai - 6.

4.The Chief Educational Officer,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 2 to 4 to regularize the service of the Petitioner from 02.06.1987 to 02.07.2002 and to pay all the consequential and attendant benefits including monetary benefits and further direct the Respondents to pay the retirement and other benefits within a time stipulated by this Court.

For Petitioner : M/s. A.Arulmozhi

For Respondents : Mrs.P.Kavitha, GA

O R D E R

The prayer sought for in the Writ Petition is to direct the Respondents 2 to 4 to regularize the service of the Petitioner from 02.06.1987 to 02.07.2002 and to pay all the consequential and attendant benefits including monetary benefits and further direct the Respondents to pay the retirement and other benefits

within a time stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the documents available on record.

3. The learned counsel for the petitioner submitted that the petitioner was temporarily appointed as a School Assistant in the year 1982 and thereafter she was provisionally selected to the said post in the year 1984. While in service, she availed leave on medical grounds from 02.06.1987 to 01.06.1988 and reported duty on 02.06.1988. The 4th respondent vide proceedings no.13342/88/A2 dated 15.06.1988 issued orders posting the petitioner at Panngdi Elementary School, where there was no vacancy, therefore, she could not able to join duty in the said school. In the meantime a charge memo dated 14.02.1991 was issued and subsequently, an order of removal from service was passed on 28.05.1993.

4. The learned counsel for the petitioner further submitted that against the said order of removal by the 3rd respondent, the petitioner has filed an Application in O.A.No. 6596 of 1993 before the Tamil Nadu Administrative Tribunal at Chennai. The Tribunal by order dated 26.09.2001 set aside the order of removal from service with liberty to proceed in accordance with F.R. 18(3). The petitioner was issued posting orders on 01.07.2002 and initiated fresh enquiry proceedings. On fresh enquiry, punishment of stoppage of increment was imposed. But the period from 02.06.1988 to 01.07.2002 was not regularised by the respondents. Subsequently on 31.07.2014, the petitioner has retired from service, but no retirement benefit were sanctioned to the petitioner. Hence this Writ Petition.

5. The learned counsel for the petitioner further submitted for regularisation of service and to pay all the consequential benefits and attendant benefits, the writ petitioner has made several representations and subsequent reminders to the 3rd respondent from the year 2003, but no decision has been taken by the Government .

6. On the other hand, the learned Government Advocate has submitted that the Joint Director of School Education/3rd respondent herein has sent a proposal to the Government on 12.04.2014 and the said proposal is under consideration of the Government. It is also brought to the notice of this Court that the Government by letter dated 01.11.2019 sought for some clarification from the Director of School Education/2nd respondent and the steps are being taken by the 2nd respondent to reply the aforesaid clarification, therefore , no final decision has been by the Government.

7. On considering the facts and circumstances of the case, it is unfortunate that the representations of the petitioner are pending for several years for consideration by the Government for granting regularisation of service and to pay the consequential retirement benefits to the petitioner.

8. In view of the above, this Court is of the opinion that the ends of justice would be met if the 2nd respondent is directed to take steps to send reply to the government within a time limit as fixed by this Court.

9. Accordingly, the following directions are issued;

- i. The 2nd respondent is directed to reply to the communication sent by the 1st respondent dated 01.11.2019 as expeditiously as possible, in any event, within a period of four (4) weeks from the date of receipt of a copy of this order.
- ii. On receipt of such reply, the 1st respondent/Government shall consider the same and pass appropriate orders within a period of four (4) weeks thereafter.

10. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (MDU)

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Sub Assistant Registrar

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To

1. The Secretary to Government
Department of Education,
Fort.St.George, Chennai -09.

2. The Director of School Education,
DPI Complex, Egmore,
Chennai - 6.

3. The Joint Director of School Education,
DPI Complex, Egmore,
Chennai - 6.

4.The Chief Educational Officer,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No. 14671

W.P.No. 20655 of 2015

GJ(CO)
GN(16/07/2020)



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