

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 22215 of 2013

M.BANUMATHI

.. Petitioner

- Vs -

1. The State of Government of Tamil Nadu
rep. by its Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Fort St. George , Chennai-9
2. The Commissioner,
Adi Dravidar and Tribal Welfare Department
Chepauk, Chennai-5.
3. The District Adi Dravidar and Tribal Welfare officer,
Villupuram District,
Villupuram ... respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1st and 2nd respondents to consider the claim of the petitioner for regularization of service in the post of Sweeper/Sanitary Worker/Cook based on the proposal forwarded by the 3rd respondent in Na. Ka. M1/6177/2007 dt 5.9.2008 and 17.2.2010 and in the light of orders passed in W.P. No.10398 of 2012 dt 23.4.2012 within a time frame to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.S.Thangavel, Spl.G.P

ORDER

This petition has been filed by the petitioner to the 1st and 2nd respondents to consider the claim of the petitioner for regularization of service in the post of Sweeper/Sanitary Worker/Cook based on the proposal forwarded by the 3rd respondent in Na. Ka. M1/6177/2007 dt 5.9.2008 and 17.2.2010 and in the light of orders passed in W.P. No.10398 of 2012 dt 23.4.2012 within a time frame to be fixed by this Honourable Court.

2.The case of the petitioner is that she was appointed as Sweeper on daily wages as per the proceedings of the 3rd respondent dated 12.10.1995, in Government ADW HSS, Kudiyanallur village, Kallkurichi Taluk, Villupuram District , from 1.11.1995 and continues in the said appointment till date. In the year 2006, the Government of Tamil Nadu had passed an order in G.O.Ms.No.22, dated 28.02.2006 by announcing that the services of employees working in various Government Departments on daily wages basis who have completed more than 10 years of service as on 1.1.2006 will be regularised. Based on repeated representation for regularisation of service by daily wage employees, the 2nd respondent called for report from all districts and the 3rd respondent herein forwarded proposal dated 5.9.2008 for regularization of daily wage employees by including the name of the petitioner. Further particulars have also been forwarded by the 3rd respondent to 2nd respondent as per the proceedings dated 17.2.2010, however no order was passed, and therefore in order to avail such benefits, similarly situated persons like the petitioner were constrained to file Writ Petition in WP.NO.10398 of 2012. This Court by its order dated 23.04.2013, allowed the said petition, and directed the respondents to regularise the service of the petitioner on their completion of ten years of service in time scale of pay. The grievance of the petitioner is that in compliance of this Court's order dated 23.4.2013, the 3rd respondent regularised the services the petitioners in WP.NO.10398 of 2012 alone, but has not considered the claim of the petitioner, though her name was also included in the proposal. Thereafter, the petitioner , in order to avail such benefits mentioned in the G.O.Ms.No.22, dated 28.2.2006, made several representations, till date the representations have not been considered. Hence the present writ petition was filed with the above said prayer.

3.Learned counsel appearing for the petitioner submitted that it would suffice if this Court directs the respondents to consider the claim of the petitioner for regularization of service in the post of Sweeper based on the proposal forwarded by the 3rd respondent in Na. Ka. M1/6177/2007 dt 5.9.2008 and 17.2.2010 and in the light of orders passed in W.P. No.10398 of 2012 dated 23.4.2012 within a time frame to be fixed by this Court.

4. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents who has no objection to passing the above order and further stated that the petitioner's claim will be considered in accordance with law, if not considered already.

5. In such circumstances, without expressing any opinion on

the merits of the issue, this Court permits the petitioner to send a copy of this order along with a copy of the representation to the 2nd respondent within a period of 2 weeks from the date of receipt of a copy of this order and on submission of such representation, the 2nd respondent is directed to consider the claim of the petitioner for regularization of service in the post of Sweeper based on the proposal forwarded by the 3rd respondent in Na. Ka. M1/6177/2007 dt 5.9.2008 and 17.2.2010 and in the light of orders passed in W.P. No.10398 of 2012 dated 23.4.2012 and pass appropriate orders thereon in accordance with law, within a period of three months thereafter.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1. The State of Government of Tamil Nadu
rep. by its Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Fort St. George, Chennai-9
2. The Commissioner,
Adi Dravidar and Tribal Welfare Department
Chepauk, Chennai-5.
3. The District Adi Dravidar and Tribal Welfare officer,
Villupuram District, Villupuram.

+1cc to the Government Pleader, Sr.No.31948

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