

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24368 of 2013 and
W.M.P.No.35784 and 34787 of 2019

1. P.Tamizharasi
2. C.Kaliyammal
3. S.Mathammal

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Social Welfare Department,
Fort St. George, Chennai-9.
2. The Director of Social Welfare,
Social Welfare Department,
No.58/70, Arunachalam Street,
Chindadripet, Chennai 600 002.
3. The District Social Welfare Officer,
Dharmapuri District, Dharmapuri. ... Respondents

Prayer in W.P.No.24368 of 2013 : This Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent to bring the petitioners into regular establishment with time scale of pay on par with the lowest time scale of pay as obtaining in the State of Tamilnadu from time to time from the date of initial appointments of the petitioners along with all allowances including all leaves etc., and to pay the arrears therefore with a time frame as may be fixed by this court and further directing the respondents to pay a compensation as may be fixed by this court to treating the petitioners as forced labours without granting minimum time scale of pay and making payment much below the minimum wages.

Prayer in W.M.P.No.35784 of 2019

This petition has been filed to permit the petitioners to amend the prayer of the writ petition as

" to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order Cha.Mu.Na.KNo.5335/Ni.6 (3)2012, dated 13.11.2017, issued by the 2nd respondent and quash the same and consequently direct the respondents to regularize the petitioners into regular scale of pay on par with lowest time scale of pay as obtained in the State of Tamil Nadu from time to time from the date of initial appointment of the petitioners, dated 07.07.1992, 15.06.1993 and 09.08.1995, along with all allowances including all leaves etc., and to pay the arrears therefor with a time frames as may be fixed by this court and further directing the respondents to pay a compensation as may be fixed by this court for having treated the petitioners as forced labour without granting minimum time scale of pay and making payment much below the minimum wages from the date of their initial appointment to till the date of the impugned order."

For Petitioners : Mr.N.Subramaniyan

For Respondents : Mr.S.Thangavel, Spel Gov. Pleader
(for R1 to R3)

O R D E R

The writ petitioners have filed the writ petition seeking for regularisation of their service from the date of their initial appointment and also for subsequent benefits. Pending writ petition, the Government had passed an order in Cha.Mu,Na.Ka.No.5335/Ni6(3) 2012 dated 13.11.2017 by regularising the service of the petitioners.

2. Now, the petitioners have filed the present amendment petition, to amend the existing prayer seeking call for the records of the impugned order Cha.Mu.Na.KNo.5335/Ni.6(3) 2012, dated 13.11.2017, issued by the 2nd respondent and to quash the same and consequently direct the respondents to regularise the service of the petitioners from their original date of appointment and also for other consequential benefits.

3. The petitioners have not filed any writ petition challenging the above said impugned order dated 13.11.2017 passed by the government and only they have filed the amendment petition to amend the prayer seeking regularising of their service from the date of their original appointment. Such application cannot be maintained, unless they filed a writ petition by raising all those grounds to quash the impugned order and for other consequential benefits.

4. In such circumstances, the main prayer in the writ petition has become infructuous. Hence, the writ petition in W.P.No.24368 of 2013 is dismissed. The amendment petition in W.M.P.No.35784 of 2019 is dismissed as not maintainable. Consequently, W.M.P.No.35787 of 2019 is dismissed. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

mst

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Social Welfare Department,
Fort St. George, Chennai-9.
2. The Director of Social Welfare,
Social Welfare Department,
No.58/70, Arunachalam Street,
Chindadripet, Chennai 600 002.
3. The District Social Welfare Officer,
Dharmapuri District, Dharmapuri.

+1cc to Mr.N.Subramaniyan, Advocate, SR.No.5539.
+1cc to Government Pleader, SR.No.6199.

सत्यमेव जयते

W.P.No.24368 of 2013 and
W.M.P.No.3784, 35787 of 2019

BS(CO)
CSR: 25.02.2020

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