



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5654 of 2020

V.Thomas

... Petitioner

vs.

1.The Secretary to Government
Education Department
Secretariat
St.George Fort, Chennai

2.The Director of School Education
College Road, Nungambakkam
Chennai 600 006

3.The Chief Educational Officer
Nagercoil, Kanyakumari District

4.The District Educational Officer
Nagercoil
Kanyakumari District

5.The Headmaster
S.S.Palavar Government Higher Secondary School
Edalakudy, Nagercoil, Kanyakumari District ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to regularise the petitioner's service as full time waterman on the date of completion of ten years of part time service from 04.02.1987 and to pay time scale of pay and other benefits payable with effect from 04.02.1997 by counting 50% of part time service for the purpose of pension in the light of the order passed in W.A(MD).No.93 of 2018 dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23980 of 2018.

For Petitioner	:	Mr.R.Maheswaran
For Respondents	:	Mr.A.Thiyagarajan Government Advocate



O R D E R

This Writ petition has been filed for a direction to the respondents to regularise the petitioner's service as full time waterman on the date of completion of ten years of part time service from 04.02.1987 and to pay time scale of pay and other benefits payable with effect from 04.02.1997 by counting 50% of part time service for the purpose of pension in the light of the order passed in W.A(MD).No.93 of 2018 dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23980 of 2018.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that as per employment seniority and its letter dated 02.02.1987 in X2/PT.5/87, the petitioner was appointed as part time waterman in the fifth respondent School by appointment order dated 04.02.1987. The said post is a sanctioned post and the vacancy is a sanctioned vacancy. According to the petitioner, though the nomenclature of the said post is part time waterman, the nature of work is that of a full time employer. In this circumstance, the Government passed G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department, dated 28.02.2006 to regularise the services of the daily wage employee of all Government Department who acquires 10 years of service as on 01.01.2006.

4.The learned counsel for the petitioner would submit that the question of whether part time employees are entitled for benefit under G.O.Ms.No.22 was considered by the Division Bench of this Court in W.A(MD).No.93 of 2018, dated 27.03.2018 where the learned Judge held that the part time employees are entitled to the relief of G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department, dated 28.02.2006 as long as they were appointed in sanctioned vacancies. As per the said G.O., the petitioner is also entitled for the said benefit. Hence, he made a representation, dated 03.02.2020 to the respondents to regularise his service based on the above Government Order. But, so far, the respondents have not taken any action. Hence, the petitioner is before this Court.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

6.Considering the limited scope of prayer sought for in the writ petition and also considering the fact that against the Writ appeal order, Special Leave Petition has been filed and the same was also dismissed, the respondents are directed to consider the representation of the petitioner, dated 03.02.2020 in the light of the order passed in W.A(MD).No.93 of 2018 ,within a period of eight weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation, dated 03.02.2020 along with this order copy to the



respondents.

7.With the above direction, this Writ petition is disposed of.
No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To:-

- 1.The Secretary to Government
Education Department
Secretariat
St.George Fort, Chennai
- 2.The Director of School Education
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- 4.The District Educational Officer
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Kanyakumari District

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-12367[F] dated 18/03/2020)

+1 CC to M/s.SPL.GP (SR-12434[F] dated 19/03/2020)

W.P. (MD) No.5654 of 2020

Dated:18.03.2020

PU(08/05/2020) 3P 7C