



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5635 of 2020

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A.Chokkalingam

... 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  
Government High School  
Magathanapuram, Kanyakumari District

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 4<sup>th</sup> respondent to regularise the petitioner's service as full time sweeper on the date of completion of ten years of part time service from 08.03.1990 and to pay time scale of pay and other benefits payable with effect from 08.03.2000 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.23960 of 2018.

For Petitioner  
For Respondents

: Mr.R.Maheswaran  
: Mr.A.Thiyagarajan  
Government Advocate

**O R D E R**

This Writ petition has been filed for a direction to the 4<sup>th</sup> respondent to regularise the petitioner's service as full time sweeper on the date of completion of ten years of part time service from 08.03.1990 and to pay time scale of pay and other benefits payable with effect from 08.03.2000 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.23960 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 03.02.1990 in X2/PT/2/90 and letter dated 23.02.1990 in X2/PT/2/90, the petitioner was appointed as part time sweeper in the fifth respondent School by appointment order dated 06.03.1990. The petitioner joined service with effect from 08.03.1990. The said post is a sanctioned post and the vacancy is a sanctioned vacancy. At the time of petitioner's appointment, the fifth respondent School is a middle school and thereafter, on 14.06.2000, it was extended into High School. According to the petitioner, though the nomenclature of the said post is part time sweeper, 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 05.02.2020 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 05.02.2020 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 05.02.2020 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

/ /2020

Sub Assistant Registrar(CS)

msa

To:-

1. The Secretary to Government  
Education Department  
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St. George Fort, Chennai
2. The Director of School Education  
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