



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.06.2020

CORAM:

WEB COPY

THE HONOURABLE JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.6514 of 2020

S.Lakshmi

Petitioner

Vs.

1. The District Educational Officer,
Nagercoil,
Kanyakumari District.

2. The Headmaster,
Government Middle School,
Boothapandi Post,
Kanyakumari District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service as full-time sweeper on the date of completion of ten years of part time service from 03.07.1999 and to pay time scale of pay and other benefits payable with effect from 03.07.1989 by counting 50% of part time service for the purpose of pension in the light of the order passed in W.A.(MD) No.93/2018 dated 27.03.2018 as confirmed by the Apex Court by dismissal of S.L.P.No.23960 of 2018.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

Mr.A.Thiyagarajan, learned Government Advocate, takes notice on behalf of the respondents. By consent of both parties, the Writ Petition is disposed of at the stage of admission itself.

2. The writ petitioner was originally appointed as a part time Sweeper in the second respondent / School by appointment order dated 28.06.1989. Thereafter, the petitioner claims that the nature of the work is actually full time employment. The petitioner seeks benefit under G.O.Ms.No.22, to regularize the service of the daily wage employees in all the Government Departments, who acquires ten



years of service as on 01.01.2006. The petitioner has completed more than 28 years. The petitioner had given a representation to the first respondent on 08.02.2020.

3. Considering the facts and circumstances of the case and also taking into consideration the judgment passed in W.A.(MD) No.93/2018 dated 27.03.2018, there shall be a direction to the respondents to consider the petitioner's representation, in the light of the judgment of the Division Bench of this Court 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. The petitioner may also enclose the copy of the representation dated 08.02.2020 along with the copy of this order to the respondents.

4. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Educational Officer,
Nagercoil, Kanyakumari District.
2. The Headmaster,
Government Middle School,
Boothapandi Post, Kanyakumari District.

Order made in
W.P. (MD)No.6514 of 2020
09.06.2020

SDS (17.06.2020) 2P-3C