



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10407 of 2020

A.Pandiammal

... Petitioner

Vs.

1) The Director General of Police,
Dr.Radhakrishnan Road, Santhome,
Chennai-600 004.

2) The Superintendent of Police,
Madurai District,
Surveyor Colony, Madurai-7.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representations dated 20.02.2020 and 14.08.2020 for regularization of service of the petitioner on completion of ten years of service in the post of Part Time Sweeper on 11.12.2019 and allow time scale of pay, in the light of the proceedings in மா.அ.எண்.533/2014 நக.எண்.பி1/50862/2012, dated 25.02.2014, of the second respondent, within a period that may be stipulated by this Court.

For Petitioner	: Mr.K.Ponnaiah for M/s.Ajmal Associates
For Respondents	: Mr.M.Jeyakumar, Additional Government Pleader

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, to direct the second respondent to consider the petitioner's representations dated 20.02.2020 and 14.08.2020 for regularization of service of the petitioner on completion of ten years of service in the post of Part Time Sweeper on 11.12.2019 and allow time scale of pay, in the light of the proceedings in மா.அ.எண்.533/2014 நக.எண்.பி1/50862/2012, dated 25.02.2014, of the second respondent, within a period that may be stipulated by this Court.

2. Learned counsel for the petitioner would submit that, the petitioner was initially appointed as Part Time Sweeper on 27.05.1999 at the second respondent office and thereafter, there was a break in service for some years and again she was reappointed on 12.11.2009 and from that date, she has been continuously working till date.



3. In this context, it is the grievance of the petitioner that, some of the similarly placed Sweepers, who had been appointed either on consolidated pay or part time services, have subsequently been brought under regular time scale of pay after completion of 10 years of service and such benefit was not extended to the petitioner, even though the petitioner has completed 10 years of service, calculating from the reappointment date (i.e.) 12.11.2009. Therefore, in this regard, the petitioner has given a representation on 20.02.2020 and all that the learned counsel appearing for the petitioner submits is that, let the representation of the petitioner be directed to be considered by the respondents on merits within a time frame and in that case, the petitioner would be satisfied.

4. I have heard Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents, who would submit that, admittedly the petitioner was appointed only as a Part Time Sweeper and in that capacity, she has been continuously working and whether she can claim the benefit of regularizing her service has to be looked into. Therefore, at any rate, since the petitioner has given a representation, the same would be considered by the respondents on merits and in accordance with law and with regard to the entitlement of the petitioner's plea it would be decided and final orders would be passed within a time frame stipulated by this Court.

5. Considering the nature of the plea raised in this writ petition and having regard to the said submissions made by both sides, this Court is inclined to dispose of the writ petition with the following order:

"that the respondents, especially the second respondent, is hereby directed to consider the representation of the petitioner dated 20.02.2020 and decide the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order".

6. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

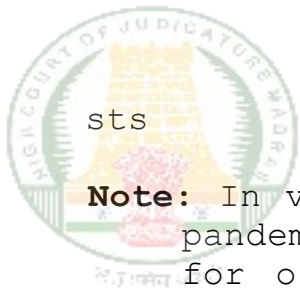
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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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 Director General of Police,
Dr.Radhakrishnan Road, Santhome,
Chennai-600 004.
- 2) The Superintendent of Police,
Madurai District,
Surveyor Colony,
Madurai-7.

+1 CC to SGP (SR-15690[F] dated 02/09/2020)

Order made in
W.P. (MD)No.10407 of 2020
31.08.2020

KMV(CO)
KM (29.09.2020) 3P 4C