



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.12782 of 2014

S.Karuthamani

Petitioner

Vs

1. The Director of Adi-Dravidar Welfare,
Elizhagam,
Chepauk,
Chennai - 600 005.

2. The District Adi-Dravidar and Tribal Welfare Officer
Collectorate
Tiruchirappalli District
Tiruchirappalli

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the services of the petitioner as Water-Carrier in Milaguparai Adi Dravidar Welfare School in Trichy Taluk, Trichy District, in terms of the order in G.O.Ms.No.27(ADW)-4 Department 15.02.2006, for according relaxation to the petitioner for not having been recruited through Employment Exchange, directing to regularize the service from the date of the entry in service i.e. from 13.11.1984 and to notionally fixing her salary in time scale of pay and awarding the monetary benefits with effect from 15.02.2006.

For Petitioner : Mr.H.Mohamed Imran

For Respondents : Mr.D.Muruganandam
Additional Government Pleader

O R D E R

This Writ Petition is filed by the petitioner to direct the respondents to regularize the services of the petitioner as Water-Carrier in Milaguparai Adi Dravidar Welfare School in Trichy Taluk, Trichy District, in terms of the order passed in G.O.Ms.No.27(ADW)-4 Department dated 15.02.2006 and to regularize the service from the date of the her entry into service i.e. 13.11.1984 and to notionally fix her salary in time scale of pay and also to award the monetary benefits with effect from 15.02.2006.



2. The case of the petitioner is that she was appointed as water carrier in the Adi-Dravidar Welfare School at Milaguparai, Trichy by the second respondent herein on 13.11.1984, for a consolidated pay of Rs.60/- per month and now it has been increased to Rs.775/- per month. The Adi-Dravidar Welfare School at Milaguparai was upgraded as High School as per G.O.No.1654 (S.W) dated 23.06.1982. Though the petitioner has completed 29 years of service, her service was not regularized so far. In this regard, she has made representation to the first respondent on 21.05.2014. As no action has been taken by the respondents, the petitioner has come up with this present Writ Petition.

3. The learned counsel for the petitioner submitted that though the petitioner has made several representations to the second respondent herein through the School, where she was working, for regularization of her service, no effective steps have been taken so far. Further, the learned counsel has brought attention of this court that the service of the similarly placed persons were regularized as per G.O.Ms.Nos.130 and 27 dated 12.08.2005 & 15.02.2006. The learned counsel has relied upon the order passed by this Court on 01.10.2012 in W.P.No.26721 of 2009 and prayed this Court that the service of the petitioner has to be regularized with effect from her date of appointment.

4. No counter affidavit has been filed by the respondents. Mr.D.Muruganandam, the learned Additional Government Pleader takes notice on behalf of the respondents and submitted that the representation of the petitioner will be considered, in the light of the order passed in W.P.No.26721 of 2009.

5. Heard the learned counsel for the petitioner and perused the documents available on record.

6. On a perusal of the records reveals that the petitioner joined duty on 13.11.1984, in Milaguparai Adi Dravidar Welfare School in Trichy Taluk, Trichy District, as per Na.Ka.W4/160934/84 and the salary was paid to her through the contingent fund allotted to the School. Moreover, though many representations have been made for regularization of her service, no steps have been taken by the respondents. Further, it is to be noted that the petitioner has put 29 years of service. As contended by the learned counsel for the petitioner, while the service of similarly placed persons were regularized as per G.O.Ms.Nos.130 and 27 dated 12.08.2005 & 15.02.2006, it can not be comprehended as to why the service of the petitioner alone has not yet been regularized. The relevant portion from the order in W.P.No.26721 of 2009 is extracted as under:-

"In the result, the impugned order dated 13.10.2009 is set aside and the matter is remitted back to the third respondent for fresh consideration. The 3rd respondent is directed to



account the appointment order dated 27.10.1995 issued by the then District Adi Dravidar Welfare officer, the Certificate issued by the Special Tahsildar dated 04.09.2001 and the Government order in G.O.Ms.No.130 dated 12.08.2005, regularizing the services of similarly placed 34 cooks ignoring the artificial break. Such exercise shall be completed within a period of three months from the date of receipt or production of a copy of this order".

7. The above case is squarely applicable to the present case on hand. For all the foregoing reasons, more particularly, the learned Additional Government Pleader also undertook to consider the petitioner's representation for regularization of her service, as per the order passed in W.P.No.26721 of 2009, there shall be a direction to the respondents herein to consider the representation of the petitioner for regularization of her service, in the light of the orders passed by this Court in W.P.No.26721 of 2009, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Director of Adi-Dravidar Welfare,
Elizhagam, Chepauk, Chennai - 600 005.
2. The District Adi-Dravidar and Tribal Welfare Officer
Collectorate, Tiruchirappalli District,
Tiruchirappalli.

+1 CC to M/s.AJMAL ASSOCIATES, (SR-4899[F] dated 05/02/2020)

W.P. (MD) No.12782 of 2014

05.02.2020

JMN (25.02.2020) 3P : 4C

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