



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.20672 of 2016

and

W.M.P. (MD) .Nos.14791 and 14792 of 2016

1.B.Mariya Prabha
2.R.Mani
3.T.Visudha

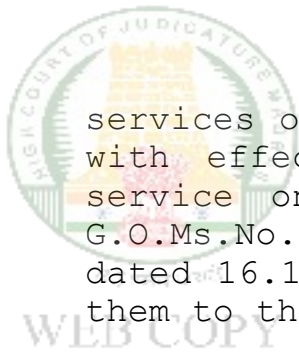
... Petitioners

/vs./

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.
2. The Secretary to Government
Social Welfare and Nutritious Meal Programme Department,
Secretariat,
Chennai-600 009.
3. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat,
Chennai-600 009.
4. The Commissioner of Social Welfare,
Chepauk, Chennai-600 005.
5. The District Collector,
Kanyakumari District,
Kanyakumari.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Government Order made in G.O.Ms.No.254 Revenue (RA2(2)) Department dated 04.10.2016 passed by the 1st respondent and consequential order passed by the 5th respondent in Roc.A1/15545/2016 dated 05.10.2016 and quash the same and consequently, direct the 1st respondent to regularize the



services of the petitioners who are physically handicapped persons with effect from the date of completion of 2 years of their service on consolidated pay in the post held by them as per G.O.Ms.No.151 Social Welfare & Nutritious Meal Program Department, dated 16.10.2008 with all monetary and service benefits and bring them to the regular time scale of pay.

For Petitioner : Mr.Palaramasamy
For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

All the petitioners herein are physically challenged persons, who held valid disability certificates evidencing their disabilities. All the petitioners herein claimed to have been appointed as Data Entry Operators on different dates in the year 2007. The Social Welfare & Nutritious Meal Programme Department, had issued a Government order in G.O.Ms.No.151, dated 16.10.2008, regularizing the services of physically disabled persons, who have completed 2 years of service, on consolidated pay. Through the impugned Government Order No.254, dated 04.10.2016, the Government had informed that they have decided to disband the said post. Aggrieved against the same, the present writ petition has been filed.

2.The Commissioner of Revenue Administration in his proceedings dated 03.09.2018 had directed all the concerned District Collectors to regularize the service of 28 Data Entry Operators, who have completed 2 years of service on consolidated pay in accordance with the G.O.Ms.No.151, dated 16.10.2008. Pursuant to the recommendation, the District Collector had also recommended the names of the writ petitioners for the purpose of regularization and bringing them into regular time scale of pay through his letter dated 19.11.2015.

3.Pending the writ petition, the District Collector, in his letter dated 19.09.2016 had placed reliance on G.O.Ms.No.151, dated 16.10.2008 and thereby recommended to the Government to regularize the services of the petitioners herein and bring them into regular time scale of pay in the post of Record Clerk in the Revenue and Disaster Management Department by relaxing the Rules 2 (b), 4(a)(1)(i) and 8 of the Tamil Nadu General Subordinate Service Rules. The prayer in the present writ petition is also to the effect that the petitioners should be brought into the regular time scale of pay, in view of the G.O.Ms.No.151, dated 16.10.2008. By taking into account, the recommendations made by the District Collector dated 19.09.2016, all the petitioners' grievances have



4.Since the respondents have in principle taken a decision to regularize the service of the petitioners in the light of the G.O.Ms.No.151, dated 16.10.2008, quashing of the impugned order becomes immaterial and hence, the following directions are issued:-

(a)The first respondent herein shall forthwith issue appropriate orders, regularizing the services of all the four petitioners herein with effect from the completion of 2 years of their services under consolidated pay, in the light of the G.O.Ms.No.151, Social Welfare & Nutritious Meal Program Department, dated 16.10.2008, together with all monetary and service benefits.

(b)Such an order shall be passed as expeditiously as possible, in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(c)This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.
2. The Secretary to Government
Social Welfare and Nutritious Meal Programme Department,
Secretariat,
Chennai-600 009.
3. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat,
Chennai-600 009.
4. The Commissioner of Social Welfare,
Chepauk,
Chennai-600 005.



5. The District Collector,
Kanyakumari District,
Kanyakumari.

+2cc to Mr.Palaramasamy, Advocate in SR.No.8815, 8562

Order made in
W.P.(MD)No.20672 of 2016

and
W.M.P.(MD).Nos.14791 and 14792 of 2016
25.02.2020
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AE (18.03.2020) 4P 8C