



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.12.2021
CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.4208 of 2016

and

W.M.P. (MD)No.3761 of 2016

1. V. Sonai
2. R.Suruliammal
3. I.Muthathal
4. G.Muniyandi
5. M.Sivanarayanapandian
6. S.Muthammal
7. K.Ramachandran
8. S.Rameshbabu
9. C.Rajarajeshwari
10. B.Perumalakal,
11. P.Selvarani
12. P.Seetha
13. I.Ramakrishnan
14. P.Marieswari
15. Jeyanthi

... Petitioners

vs..

The District Backward Class,
Most Backward Class Officer,
Virudhunagar,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.M.4-56749-06, dated 08.06.2007 on the file of the respondent through which the petitioners were regularized and quash the same in so far as the impugned portion of the regularization date and consequently, direct the respondent to regularize the service of petitioners from the date of initial appointments and further to include the petitioners in regular pension scheme and provide all monetary benefits and other benefits.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.D.Sasikumar

Additional Government Pleader



O R D E R

This Writ Petition is filed challenging the order of regularization wherein the petitioners were regularized from the date of order of regularization.

2. The brief facts are that the 15 petitioners are appointed as Cook Assistant in various Students Hostel. It is submitted that some of them were appointed through Employment Exchange and some of them were appointed on compassionate ground. The petitioners were regularized by the order, dated 08.06.2007 and thereafter, brought under time scale of pay, vide order, dated 14.08.2007. The claim of the petitioners were that they were appointed in the year 1995,1998,1999 respectively. Through impugned order the petitioners were regularized from the date of issuance of order and not from the date of original appointment i.e., 1995,1998,1999. Aggrieved over the same, the present writ petition is filed.

3. It is seen the claim of the petitioners are that they were not regularized, but the State Government alone has power to regularize but the petitioners have not impleaded the Government as a party. Therefore, this Court Suo Moto impleading the Secretary to Government, Backward Classes Welfare, Nutritious Meal Programme Department.

4.The petitioners relied on Government Order passed in G.O.Ms.No.19 of Backward Class and Most Backward Class and Minorities Welfare (CNAP) Department, dated 07.03.2008. The petitioners submitted that they are similarly placed persons and the respondents have not considered the case of the petitioners. Therefore, this Court is of the opinion that the matter can be remitted back to the Government to consider in the light of the said Government Order. Therefore, this Court is directing the Secretary to Government, Backward Classes Welfare, Nutritious Meal Programme Department to consider the claim of the petitioners in the light of G.O.Ms.No.19 of Backward Class and Most Backward Class and Minorities Welfare (CNAP) Department, dated 07.03.2008. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of.



No costs.
closed.

Consequently, connected miscellaneous petition is

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

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

The District Backward Class,
Most Backward Class Officer,
Virudhunagar,
Virudhunagar District.

Copy to

The Secretary to Government,
Backward Class Welfare,
Nutritious Meal Programme Department,
Secretariat, Chennai.

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-38427[F] dated 13/12/2021)
+1 CC to M/s.SPL GP (SR-38129[F] dated 10/12/2021)

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