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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.Nos.27131 & 3328 of 2015
and M.P.No.1 of 2015

D.Venkatesan

...Petitioner in both W.P's

Vs

1. The Director of Employment and Training
Guindy, Chennai-32.
2. The Regional Joint Director (Employment)
Office, Coimbatore Government ITI Complex
Thudiyalur,
Mettupalayam Road,
Coimbatore-641 029.
3. The District Employment Officer
Office of the District Employment
Krishnagiri.

...Respondents in W.P.No.27131 of 2015

1. The Government of Tamil Nadu
Represented by Principal Secretary to Government
Labour and Employment (R2) Department
Chennai-600 009.
2. The Principal Secretary/State Commissioner
For the Differently abled
Commissionerate for the Welfare of the
Differently Abled,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai-600 078.
3. The Principal Secretary to Government
Social Welfare and Nutritious meal
Programme (SW 4) Department,
Chennai-600 009.
4. The Director of Employment and Training
Guindy, Chennai-32.



5. The District Employment Officer
Office of the District Employment
Krishnagiri.

...Respondents in W.P.No.3328 of 2015

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PRAYER IN W.P.No.27131 OF 2015: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari to call for the records in Proceedings order No A1/5351/2015 dated 24/08/2015 on the file of the 3rd respondent and quash the same as illegal.

PRAYER IN W.P.No.3328 OF 2015: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of mandamus or any other appropriate writ or direction in the nature of writ directing the respondents to implement G.O.(MS). No.151 on the file of 3rd respondent dated 16.10.2008 and proceedings on the file of 2nd respondent dated 19.12.2012, thereby convert the pay of the petitioner from consolidated pay to Time scale of pay and to regularize the petitioner as typist.

Counsels in both Writ petitions:

For Petitioner : Mr.M.Venkadesh Kumar
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

C O M M O N O R D E R

The petitioners herein, who are physically challenged, were engaged as 'Temporary Typists' on a consolidated pay at the District Employment Office with effect from 01.10.2009. Under G.O.(MS).No.151 Social Welfare and Noon meal Department, dated 16.10.2008, the Government had issued orders to regularize the services of physically challenged employees, who had completed two years of service on Consolidated salary. By placing reliance on G.O.(MS).No.151, the petitioner herein has filed W.P.No.3328 of 2015, seeking for regularization of services as a 'Typist' in time scale of pay. While this Writ Petition was pending, the respondents had passed an order on 24.08.2015 by terminating his service, stating that he had brought ill repute to the department by his conduct. Challenging the same, the W.P.No. 27131 of 2015 has been filed.

2. Admittedly, the petitioner herein had put in more than two years of service as a 'Typist' on consolidated basis, which is the pre-requirement of the G.O.(MS).No.151, dated 16.10.2008, for the purpose of regularization of the services. When the petitioner had sought for issuance of Writ of Mandamus for regularization of the services, the respondents had chosen



to terminate his services, which is highly improper. The only reason assigned in the impugned order is that he had brought ill repute to the department.

3. The perusal of the termination order reveals that the petitioner was not put on prior notice before his termination order was passed. In view of the G.O.(MS).No.151, the petitioner may be entitled for regularization and in that background, the respondents ought to have called for his objections, prior to the termination of his service. In the absence of the same, order is deemed to be in violation of the Principles of Natural Justice.

4. In this background, the petitioner is granted liberty to make a fresh representation, seeking for regularization of the services and on receipt of the same, the respondents herein shall consider it in the light of the G.O.(MS).No.151 "Social Welfare and Nutritious meal Department", dated 16.10.2008, within a period of four (04) weeks from the date of such a representation. These Writ Petitions stands allowed, accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Employment and Training
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Social Welfare and Nutritious meal
Programme (SW 4) Department,
Chennai-600 009.

+2cc to Mr.M.Venkadesh Kumar, Advocate, S.R.No.6380,6377
+1cc to the Government Pleader, S.R.No.6467

W.P.Nos.27131 & 3328 of 2015

PMK(CO)
CT 11/04/2022