



WEB COPY



W.P.No.27272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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1.Kasthuri
2.R.Rukkumani
3.R.Chellammal
4.S.Kamala
5.M.Mariammal
6.R.Rajeswari
7.S.Valrmathi
8.B.Umavathy
9.S.Mainavathy

... Petitioners

Versus

1.State of Tamil Nadu,
Rep by its Secretary to Government,
Social Welfare and Noon Meals Department,
Chennai-600 009.

2. The Commissioner,
Social Welfare Department,
Chepauk,
Chennai-600 005

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying this Court to issue a writ of Mandamus directing the respondents to
regularise the service of petitioners as a Helper/Cook/Sweeper retrospectively
for the purpose of getting pension and in the light of the Hon'ble Supreme

<https://www.mhcn.gov.in/judis/> Court judgment delivered in C.A.No.6789 of 2019 dated 02.09.2019 and order



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in WP No.19023 of 2021 dated 09.09.2021 and G.O.Ms.No.15, Social Welfare and Nutritious Meals Programme Department dated 19.01.2013 and G.O.No.46, Social Welfare and Nutritious Department dated 15.04.2013 and further direction directing the respondents to regularise the service of the petitioners after completion of ten years from the date of initial appointment instead of prospective regularisation like similarly placed persons. The petitioners made further representation jointly to the 1st and 2nd respondents on 10.08.2021 by way of appeal.

For Petitioners : Mr.S.Mani
For Respondents :Ms.S.Anitha
Spl.Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioners' representation seeking for regularisation of their service from the date of completion of 10 years of their service.

2. According to the petitioners, they were all regularised as Helper/Cook/Sweeper on 13.11.2017. According to the petitioners, they ought to have been regularised immediately on completion of 10 years of service as was done in the case of others, who were already appointed on the very same year when the petitioners were appointed. The petitioners have given a representation on 10.08.2021 to the respondents, requesting them to regularise



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their services on par with others with effect from the date of completion of ten years of their service. Since the representation has not been considered till date, the petitioners have filed this writ petition.

3. Heard Mr.S.Mani, learned counsel appearing for the petitioner and Ms.S.Anitha, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. No prejudice would be caused to the respondents if the petitioners representation is considered on merits and in accordance with law within a time frame to be fixed by this Court.

5. The petitioners have also relied upon G.O.Ms.No.46, Social Welfare and Nutritious Meals Programme Department dated 15.04.2013 and G.O.Ms.No.15, Social Welfare and Nutritious Meals Programme Department dated 19.01.2013 and also certain decisions of this Court and the Hon'ble Supreme Court. It is for the respondents to consider the same on merits and decide as to whether the petitioners are entitled for the relief sought for in their representation.



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ABDUL QUDDHOSE, J

sr

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioners joint representation dated 10.08.2021 seeking for regularisation of their service as Helper/Cook/Sweeper from the date of completion of their 10 years of their service after giving due consideration to the aforementioned Government Orders and the decisions of the Constitutional Courts within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, the writ petition is disposed of. No costs.

17.10.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

1.The Secretary to Government,
State of Tamil Nadu,
Social Welfare and Noon Meals Department,
Chennai-600 009.

2. The Commissioner,
Social Welfare Department,
Chepauk,
Chennai-600 005