



W.P(MD)No.21367 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21367 of 2022

and

W.M.P.(MD)No.15535 of 2022

K.Krishnammal

... Petitioner

Vs.

1.Government of Tamil Nadu rep. by Principal
Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The Headmaster,
Government Higher Secondary School,
Veerasigamani Sankarankoil Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Letter No. 37108/ Nee.Va.3(2)/



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2015-3 dated 14.06.2016 on the file of the Respondent No.1 and quash the same as illegal and consequently direct the Respondents to regularise the petitioner's husband's service after completion of 10 years of service from 24.05.1989 onwards and grant all the terminal and consequential benefits to grant arrears of family pension to the petitioner.

For Petitioner : Mr.T.Lajapthi Roy

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner's husband Thiru.K.Krishnan worked as Sanitary Worker in the Government Higher Secondary School and passed away on 07.07.2001. It is not in dispute that the petitioner was working only as a part-time sanitary worker. The petitioner claimed that since he had worked from 1979 onwards, he ought to have been regularised on completion of ten years of service. This claim of the petitioner was rejected by the impugned communication dated 14.06.2016. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and grant relief as prayed for.

4. I am not persuaded by the submission of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Special Government Pleader, the issue on hand is no longer res integra.

5. The Hon'ble Apex Court in the decision reported in **(2017) 4 SCC 113 (State of Tamil Nadu Vs. A.Singamuthu)** had held that part-time employees are not entitled to seek regularization. That apart, the learned Special Government Pleader would make yet another submission that the benefit of regularization can be given only to those employees who are in service on the date when the regularization order is made. The petitioner's husband passed away in the year 2001 as un-regularised part-time employee. No cause of action survived after his demise. Even on merits, there is no case.

6. Looked at from any angle, the impugned order does not call for any interference. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

- 1.The Principal
Secretary to Government,
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- 2.The Director of School Education,
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