



W.P.(MD)No.22036 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 22036 of 2017

and

W.M.P(MD)No.18335 of 2017

1. T.Usha

2. Raja Narayanan

3. Sri Sudha

....

Petitioners

Vs.

1. The Principal Secretary to Government,
State of Tamil Nadu,
Fort Saint George,
Chennai – 9.

2. The District Educational Officer,
Nagercoil,
Kanyakumari District.

....

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of ***Certiorarified Mandamus***, calling for the proceedings of the 1st respondent in G.O.Ms.No.(2D)No.57, dated 10.09.2014 and quash the same as it is injustice and illegal and consequently directing the respondents to regularize the 1st petitioner's husband service from 28.06.1984 with increments arrears of



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salary and all consequential monetary benefits including the family pension within the stipulated period fixed by this Court.

For Petitioner : Mr.N.Murugan

For Respondents : Mr.V.Omprakash
Government Advocate (Civil side)

ORDER

This Writ Petition has been filed by the Legal Heirs of the deceased employee, namely; R.Chellaperumalpillai, for issuance of ***Certiorarified Mandamus***, to quash the ***G.O.Ms.No.(2D)No.57, dated 10.09.2014*** issued by the 1st respondent and also sought for a consequential direction to the respondents to regularize the 1st petitioner's husband service from 28.06.1984 with increments, arrears of salary and all consequential monetary benefits, including the family pension, within the stipulated period that may be fixed by this Court.

2. This petition has been filed seeking regularization of the service of the deceased employee. The 1st petitioner's husband/ R.Chellaperumalpillai, was appointed on 22.06.1979, as Night Watchman through Employment Exchange and he was paid from the Collector's Contingent Fund. Later on the deceased



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employee was brought into the regular time scale of pay on 05.08.1989 and paid regular time scale of pay from 05.08.1989, till the death of the deceased employee i.e., 11.07.2016. But, necessary regularization was not passed by the 1st respondent, despite, several proposals sent by the 2nd respondent. The 1st respondent has passed the present impugned order in ***G.O.Ms.No.(2D)No.57, dated 10.09.2014***, wherein, the service of the deceased employee was regularized from the date of the said G.O., i.e., 10.09.2014.

3. The contention of the petitioner is that similarly placed persons were granted regularization, from the date of original appointment in the permanent post, through G.O.(Standing)No.192 dated 13.07.2010.

4. On perusal of the impugned order, it is seen that there is no reference to the G.O. at all. Therefore, this Court is of the considered opinion that the 1st respondent ought to have been considered the 1st petitioner's husband, namely, R.Chellaperumalpillai, along with similarly placed persons and ought to have passed the order.



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5. In view of the aforesaid reasons, this matter is to be remitted back to the 1st respondent for reconsideration. Hence, the Court passed the following order:

(i). The petitioners shall submit a detailed representation along with a copy of the G.O. (Standing)No.192 dated 13.07.2010, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, 1st respondent shall consider the case of the petitioner and pass an order, within a period of eight weeks from the date of receipt of a copy of the order, thereafter.

6. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Index : Yes / No
Internet : Yes
ksa

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To

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.22036 of 2017**

14.11.2022