



WEB COPY



WP.No.15122 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.15122 of 2013

and

M.P.No.2 of 2013

D.Chitrakala

... Petitioner

Vs

1.The District Collector,
Vellore District.

2.The Commissioner Panchayat Union,
Madhanur, Vellore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus order calling the file Na.Ka.PA3/7457/2012 dated 28.12.2012 on the file of 1st respondent and quash the same and to regulate the service of the petitioner as Typist / Computer operator in the office of the 2nd respondent.

For Petitioner : Ms.R.T.Sundari

For Respondents : Mr.V.Veluchamy

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 28.12.2012 passed in Na.Ka.PA3/7457/2012 by the first respondent, thereby refused to regularise the service of the petitioner as



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Typist/Computer Operator.

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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. The petitioner was appointed as Typist on 12.03.1997 on daily wages basis. Though she had worked continuously 480 days within a period of two years from 1997 onwards, her service has not regularised. Therefore, she filed a writ petition in W.P.No.17203 of 2012 to regularise her service. This Court, by an order dated 01.08.2012, directed the respondents to consider the representation dated 07.05.2012. However, it was rejected by the first respondent vide order dated 28.12.2012.

4. On perusal of the counter filed by the first respondent revealed that admittedly, the petitioner was not appointed through Employment Exchange. She was appointed on out sourcing method on consolidated pay. She was also absented from duty since March 2001. Therefore, she had worked till March 2001 on daily wages basis. The G.O.Ms.No.22 Personnel and Administrative Reforms Department dated



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28.02.2006 is very clear that the services of the daily wage employees working in all Government Departments who have rendered 10 years of service as on 01.01.2006 be regularised by appointing them, in the time scale of pay of the post in accordance with the service conditions prescribed for the post concerned, subject to their being otherwise qualified for the post. However, the petitioner was not sponsored by Employment Exchange and she was not continuously worked as a Typist on daily wage basis for a period of ten years. Therefore, she is not entitled for any regularization and her request was rightly rejected by the first respondent.

5. Hence, this Court finds no infirmity or illegality in the order dated 28.12.2012 passed in Na.Ka.PA3/7457/2012 by the first respondent. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

27.07.2023

Lpp
Index: Yes/No
Internet: Yes/No

G.K.ILANTHIRAIYAN,J.



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To
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