



WEB COPY



W.P.No.21304 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21304 of 2012

A.Chokkalingam

... Petitioner

Vs

1. The 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,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to regularize the service of the petitioner from the date of his appointment i.e. on 06.03.1990 and thereby grant all service and monetary benefit to him.

For Petitioner : Mr.Edwin Jayakumar

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



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ORDER

This Writ Petition has been filed for direction directing the third respondent to regularise the service of the petitioner from the date of his appointment.

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

3. The petitioner was appointed as a Part Time Sweeper by the third respondent. His appointment was made as per the seniority list sponsored by the District Employment Officer. He was continuously working in the Government Higher Secondary School, Mahadanapuram. However, his service was not regularised till date. Therefore, he made a representation.

4. A perusal of the counter filed by the respondents revealed that the petitioner was appointed as Part Time Sweeper in the Government Higher Secondary School, Mahadanapuram on 06.03.1990 and he cannot be considered as a daily rated employee and he was working



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in the Government School and he was sponsored by the Employment Exchange. The salary of the petitioner was also “Consolidated Pay” and the salary being met from contingencies fund. The Government has passed G.O.Ms.No.22 dated 28.02.2006 for regularisation of the service of the employees in any Government Department on daily wages and who were completed 10 years of service. The first respondent, while implementing the said Government Order by its letter dated 23.06.2009, had clarified G.O.No.22 applicable to the full time daily wages and not applicable for the consolidated pay. Therefore, the representation of the petitioner cannot be considered and the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

04.09.2023.

Internet : Yes

Index : Yes/No

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To

1. The Secretary to Government,
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Fort St. George, Chennai - 600 009.



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