



W.P.No.23254 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

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

W.P.No.23254 of 2013
and M.P.No.2 of 2013

M.Dillibabu

... Petitioner

-Vs-

1. The State of Tamil Nadu,
represented by Chief Secretary to Government,
Personnel and Administrative
Reforms Department,
Fort St.George,
Chennai-9.
2. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai 09.
3. The Director of Adi Dravidar
and Tribal Welfare,
Chepauk,
Chennai 05.
4. The District Adi Dravidar
and Tribal Welfare Officer,
Thiruvallur.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, call for the records in pursuant to the first impugned order passed by the first respondent in G.O.Ms.No.74 Personnel and Administrative Reforms Department dated 27.06.2013 and the subsequent second impugned order issued by the third respondent in proceeding Na.Ka.No.03/27059/15 dated 20.11.2015 and to quash these orders and consequently to direct the respondents to regularize the service of the petitioner from the date of completion of 10 years of service from the date of initial appointment with all consequential service and monetary benefits.

(Prayer amended as per order dated 15.03.2023 made in W.M.P.No.8071 of 2023 in W.P.No.23254 of 2013)

For Petitioner : Mr.R.Prem Narayan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records in pursuant to the first impugned order passed by the first respondent in G.O.Ms.No.74 Personnel and Administrative Reforms Department dated 27.06.2013 and the subsequent second impugned order issued by the third respondent in proceeding Na.Ka.No.03/27059/15 dated 20.11.2015 and to quash these orders and consequently directing the respondents to



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regularize the service of the petitioner from the date of completion of 10 years of service from the date of initial appointment with all consequential service and monetary benefits.

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

3. The petitioner was appointed as a Night Watchman at Government Adi Dravidar Welfare Girls Higher Secondary School, Sevapettai, Thiruvallur District, on 01.10.1988 on consolidated pay. According to the petitioner, the service of the petitioner will have to be regularized in line with various Government orders that have been passed in this regard and in line with the earlier judgments of this Court wherein, this Court had directed the regularization of the employees who are similarly placed like the petitioner. The petitioner had approached the respondents seeking for such a regularization. Since the same was not done, the petitioner had approached this Court, seeking for appropriate relief.



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4. The issue that is involved in this case has been dealt with by this Court on two occasions. On the first occasion, the learned Single Judge of this Court while disposing W.P.No.20730 etc., of 2012, by an order dated 16.02.2017 had directed the second respondent herein to give the benefit of the Government orders and regularize the services of the petitioners from the date of their appointment.

5. The issue was again considered by the Division Bench of this Court in W.A.No.1258 etc., of 2018, dated 13.09.2019 wherein, the State Government had filed the appeal against the similar orders passed by the learned Single Judge. The Division Bench after going through the entire Government orders in this regard, came to a categorical conclusion that the persons who were similarly placed like the petitioner are entitled for regularization. The Division Bench took note of G.O.Ms.No.35, School Education (VE) Department, dated 09.02.2007 and G.O.Ms.No.47, School Education (R1) Department, dated 02.03.2012 and directed the Government to regularize the services of those who were serving as Sweeper, Watchman etc., within a time frame.



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6. The petitioner, before this Court, is also entitled to be considered in line with the Government orders and the orders passed by this Court that have been referred supra.

7. This writ petition is disposed of, with a direction to the second respondent to consider the case of the petitioner and to pass necessary orders, within a period of six weeks from the date of receipt of a copy of this order, in line with the Government orders and in line with the judgments that have been referred supra. The petitioner is directed to make a fresh representation to the second respondent herein through the Government Adi Dravidar Welfare Girls Higher Secondary School, Sevapettai, Thiruvallur District, along with a copy of this order. Consequently, connected Miscellaneous petition is closed. No costs.

14.07.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Chief Secretary to Government,
The State of Tamil Nadu,
Personnel and Administrative
Reforms Department,
Fort St.George,
Chennai-9.
2. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai 09.
3. The Director of Adi Dravidar
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