



W.P.No.5749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5749 of 2022

R.K.Govindasamy

... Petitioner

Vs

1. The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.

2. The District Educational Officer,
Office of the District Educational Officer,
Cheyyar Taluk, Thiruvannamalai District.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the Respondents to consider the representation dated 24.12.2021 and grant him pensionary benefits considering his date of regular appointment as 25.10.1995 instead of 24.01.2005 and accordingly re-fix his Selection Grade/Special Grade Pay notionally along with all consequential benefits.



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For petitioner : Mr.P.Murali

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the Respondents to consider the representation dated 24.12.2021 and grant him pensionary benefits considering his date of regular appointment as 25.10.1995 instead of 24.01.2005 and accordingly re-fix his Selection Grade/Special Grade Pay notionally along with all consequential benefits.

2. It is the contention of the petitioner that he was appointed as an part time employee on 29.10.1995 and he has been regularized with effect from 24.01.2005 on the basis of the Government Order in G.O.Ms.No.111 of 05.05.2012. It is the further contention of the petitioner is that his initial date of employment ought to have been considered for regularization of the service of the petitioner. In this regard he has given a representation to the respondents on 24.12.2021.



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However, the same has not been considered. Hence, the present Writ Petition.

3. This Court is of the view that such a direction cannot be issued mechanically for the simple reason that in the Writ Petition in W.P.No.27607 of 2010, by an Order dated 23.12.2010, this Court has directed the respondent to consider the representation of the petitioners for regularization. On the basis of the Order of this Court, the service of the petitioner has been regularized on the basis of G.O.Ms.No.111 of 09.05.2012 from 24.01.2005. The said Order has not been challenged so far. Now the petitioner is trying to create cause of action for seeking regularization from the date of his initial appointment as a part time employee. Such a prayer cannot be entertained after a lapse of 10 years. Hence, I do not find any merits in this Writ Petition and the same is liable to be dismissed.

4. Accordingly, this Writ Petition is dismissed. No costs.

13.09.2023



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Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
2. The District Educational Officer,
Office of the District Educational Officer,
Cheyyar Taluk, Thiruvannamalai District.



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N.SATHISH KUMAR, J.

VTC

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