



WEB COPY



W.P No.15757 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.15757 of 2020

Ammakannu

... Petitioner

Vs.

1.The District Collector
Tiruvanamalai District.

2.The Commissioner,
Panchayat Union,
Peranamallur, Vandavasi,
Tiruvananmalai.

3.The Assistant Director of Rural Development,
(Panchayats)
Cheyyar Division,
Cheyyar Panchayat Union
Cheyyar, Tiruvanamalai.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the records on the file of the 1st respondent in proceedings Na.Ka.No.17872/2014/PaE1 dated 10.08.2020 and quash the same as illegal, incompetent and without jurisdiction and further direct the



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respondents to regularize the service rendered by the petitioner from May, 1985 till June, 2012 and further direct the respondents to provide the petitioner with retirement and pensionary benefits.

For Petitioner : Mr.R.Poornima

For Respondents : Mr.G.Nanmaran,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in proceedings Na.Ka.No.17872/2014/PaE1 dated 10.08.2020 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to regularize the services rendered by the petitioner from May, 1985 till June, 2012 and further direct the respondents to provide the petitioner with retirement and pensionary benefits.

2. Heard the submissions made by both side learned counsels and perused the materials available on record.

3. The petitioner who had been working as a sweeper for daily



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wages in the 2nd respondent Panchayat from 1985 to 2012, claims that she is entitled to the benefits of G.O.Ms. No.22 Personnel and Administrative Reforms Department dated 28.02.2006. The said G.O.Ms. No.22 Personnel and Administrative Reforms Department dated 28.02.2006, was issued to regularise the services of those persons who were working on temporary basis on their completion of ten years of service in all government department /offices. According to the petitioner similarly placed sweepers and sanitary workers in the Education Department were regularised on a direction has been given in WP.No.27607 of 2010 by this Court. Successive Writ petition was filed by similarly placed persons in W.P.No.20865 of 2012 also and in that also direction for regularisation was given.

3.1. The petitioner herself filed WP.No. 19378 of 2014 seeking for a direction for regularisation and the same was allowed by giving direction to the respondents to consider her representation dated 28.03.2014 within a period of eight weeks. Subsequently, the first respondent issued order rejecting the request of the petitioner and the same was challenged by the petitioner in WP.No. 3841 of 2015 and the



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same was allowed on 22.11.2019. Once again in the light of the above said order the petitioner has given a fresh representation. However again the representation of the petitioner was rejected for the same reason on 10.08.2020. In the said order it is observed that the petitioner who was working as a part time employee and she, herself has stopped to come to work on her own volition and hence the representation was not considered.

4. The respondent has filed counter .

5. The learned counsel for the petitioner submitted that she is a sweeper and she is getting every month salary to her bank account and it is wrong fault on the part of the respondent to think that she is a part time employee.

6. In the earlier Writ Petitions also the respondents raised the very same submission that the petitioner was a part time worker. Since the petitioner has been given with full day wage and her wages have been credited in her bank account once in a month, the petitioner cannot be considered as a part time employee.

7. Since the earlier court orders have been passed by being



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conscious of the fact that the petitioner is not a part time employee, the respondents shall not keep on making the very same reason and consider the petitioner's representation afresh in its true letter and spirit of the earlier orders and pass appropriate orders within a period of four weeks from the date of receipt of the copy of this order.

8. With the above observation, this Writ petition is **disposed** and the 1st respondent is directed to consider the petitioner's representation dated 18.02.2020 afresh in true letter and spirit of the earlier orders and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. No costs.

08.11.2023

Index : Yes

Internet : Yes/No

jrs



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R.N.MANJULA, J.

jrs

To

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