



WEB COPY

W.P.No.25063 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25063 of 2021

K.Subramaniyan

...

Petitioner

versus

- 1.The Director,
Adhi-Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.
- 2.The District Collector,
O/o.The District Collector,
Cuddalore District.
- 3.The District Welfare Officer,
O/o.The District Welfare Officer,
Adhi-Dravidar and Schedule Tribe Office,
Cuddalore District.
- 4.The Special Tahsildar,
(For Adhi-Dravidar and Schedule Tribe),
Virudhachalam,
Cuddalore District.
- 5.The Government Student Hostel,
(Adi-Dravidar Welfare Department)
Virudhachalam,
Cuddalore District.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner representation dated 29.03.2021 within a time frame to be fixed by this Court.

For Petitioner : Mr.T.Elumalai

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

The petitioner has filed this petition seeking for a writ of mandamus, directing the respondents to consider his representation dated 29.03.2021.

2. The petitioner is a physically challenged person and he has been appointed as Sweeper on 23.11.2011 in the fifth respondent Hostel on consolidated pay. The Government Order has been issued in G.O.Ms.No.151, dated 16.10.2008, regularizing the services of physically disabled persons, who have completed 2 years of service, on consolidated pay. The grievance of the petitioner is that he has given a representation on 29.03.2021 and the same was not considered by the respondents so far.

3. It is brought to the notice of this Court that the Madurai Bench of this Court while dealing in a Writ Petition in W.P.(MD).No.20673 of 2016, dated 25.02.2020, for regularizing the services of physically disabled



persons, who have completed 2 years of service on consolidated pay, had directed the Government to consider the cases of the similarly placed persons also. For better appreciation, the relevant paragraphs are extracted hereunder:-

“4. Since the respondents have in principle taken a decision to regularize the service of the petitioner in the light of the G.O.Ms.No.151, dated 16.10.2008, quashing of the impugned order becomes immaterial and hence, the following directions are issued:-

(a) The first respondent herein shall forthwith issue appropriate orders, regularizing the services of all the four petitioners herein, with effect from the completion of 2 years of their services under consolidated pay, in the light of the G.O.Ms.No.151, Social Welfare & Nutritious Meal Program Department, dated 16.10.2008, together with all monetary and service benefits.

(b) Such an order shall be passed as expeditiously as possible, in any event, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

(c) This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.”



WEB COPY

4. The petitioner is a physically challenged person and has been appointed as Sweeper in the fifth respondent Hostel on consolidated pay. Therefore, he is also eligible to be appointed as regular basis as per the Government Order.

5. Hence, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner by taking into account of the order passed by the Madurai Bench of this Court made in W.P.(MD).No.20673 of 2016, dated 25.02.2020. No costs.

20.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

1. The Director,
Adhi-Dravidar Welfare Department,
Chepauk,
Chennai - 600 005.
2. The District Collector,
O/o. The District Collector,
Cuddalore District.
3. The District Welfare Officer,
O/o. The District Welfare Officer,
Adhi-Dravidar and Schedule Tribe Office,
Cuddalore District.
4. The Special Tahsildar,
(For Adhi-Dravidar and Schedule Tribe),
Virudhachalam,
Cuddalore District.
5. The Government Student Hostel,
(Adi-Dravidar Welfare Department)
Virudhachalam,
Cuddalore District.



WEB COPY

W.P.No.25063 of 2021



R.N.MANJULA, J.

sri

W.P.No.25063 of 2021

20.10.2023