



W.A.(MD) No.881 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.11.2023**

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.881 of 2021
and C.M.P.(MD) No.3943 of 2021

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 9.

2.The Director of School Education,
College Road,
Chennai - 6.

3.The District Educational Officer,
Musiri,
Musiri Taluk,
Trichy District.

... Appellants/Respondents 1 to 3

-Vs.-

P.Saroja

... Respondent/Writ Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to
set aside the order dated 12.02.2021 made in W.P.(MD)No.5960 of 2018
on the file of this Court.



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For Appellants : Mr.T.Amjadkhan
Government Advocate

For Respondent : Mr.D.Selvanayagam

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

Heard Mr.T.Amjadkhan, learned Advocate, appearing for the appellants and also Mr.D.Selvanayagam, learned counsel appearing for the respondent-writ petitioner.

2. The Government has come forward to file this Writ Appeal, being aggrieved by the direction issued in the writ petition by directing the husband of the respondent-writ petitioner to be brought under regular service from 14.10.1966 to 30.06.2007 and disburse all the retirement benefits as on 30.06.2007 and also to pay the arrears of family pension from 01.07.2007 till date and continue to pay the arrears of family pension thereafter. The Court further directed to pay arrears together with interest at the rate of 3% per annum within a period of twelve weeks from the date of receipt of a copy of that order.



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3. In our considered view, such a direction could not have been issued because the husband of respondent-writ petitioner has not worked as a daily wage employee on consolidated pay, but has worked as part time Sweeper in a non-sanctioned post. G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 was issued based upon the announcement made by the then Hon'ble Chief Minister on 28.02.2006, by which, the Government took a decision that the services of the daily wage employees working in all the Government departments who have rendered ten years as on 01.01.2006 be regularized by appointing them in the time scale of pay of the post in accordance with the service conditions prescribed for the post concerned subject to the condition that they are otherwise qualified to the post.

4. As already observed, the decision to regularize temporary employees who were completed ten years of service working in various Government departments, is the policy decision taken by the Government and therefore, the Court cannot add conditions which are not prescribed in the Government order. Therefore, the direction issued in the writ petition called for interference.



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5. Accordingly, the Writ Appeal is allowed and the order passed in the writ petition is set aside. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**[S.M.S.J.,] & [V.L.N.J.,]
23.11.2023**

NCC :Yes/No
Index :Yes/No
SJ

To

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