



W.P.(MD) No.1356 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.1356 of 2019

A.Vembudurai

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-9.
 - 2.The Principal Secretary,
Department of Social Welfare and Nutritious Meal
Programme, Chennai.
 - 3.The State Commissioner for the Differently Abled,
Commissionerate for the Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai-600 005.
 - 4.The Director,
Adi Dravidar and Tribal Welfare Directorate,
Chepauk, Chennai-600 005.
 - 5.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Campus, Tirunelveli,
Tirunelveli District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 to 5 to regularize the petitioner's in the post of Sweeper and fix the time scale of pay with consequential benefits in light of G.O.(Ms).No.151, Department of Social



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Welfare and Nutritious Meal Programme dated 16.10.2008 within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
for Mr.T.Lajapathi Roy

For Respondents : Mr.J.K.Jayaseelan
Government Advocate

ORDER

The writ petitioner, who is a differently abled candidate belonging to Scheduled Caste Community, upon being sponsored by the employment exchange was appointed as part time Sweeper in Government Adi Dravidar Welfare Students Hostel, Tirunelveli District with effect from 31.05.2012 on a consolidated pay.

2. It is the contention of the petitioner that the Government had passed G.O.(Ms).No.151, Department of Social Welfare and Nutritious Meal Programme dated 16.10.2008 as per which, the petitioner has to be first fixed in the time scale of pay and the petitioner's services has to be regularised. Therefore, this writ petition is filed for a mandamus for directing the respondents to regularise the petitioner in the post of the Sweeper and fix the time scale of pay with consequential benefit in the light of G.O.(Ms).No.151, dated 16.10.2008.



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3. When the matter came up for hearing, the learned Government Advocate pointing out the counter affidavit earlier filed, and the subsequent written instructions given to him, would submit that after the filing of the writ petition by G.O.(Standing) No.81, dated 10.08.2020, the services of the petitioner has been regularised and by proceedings dated 28.08.2020 he has been fixed in the time scale of pay and the same has been forwarded to the Government for sanction and the matter is pending with the Government. As and when the sanction of the Government is conveyed formal orders will be passed conferring all the benefits.

4. Considering the fact that the respondents themselves have decided to regularize the petitioner and to grant his time scale of pay based on G.O.(Ms).No.151 dated 16.10.2008, this Writ Petition is disposed of with the following directions:

(i) The submission of the respondents that the petitioner is regularised in service vide G.O. (Standing) No.81, dated 10.08.2020 and that he has been placed in the time scale of pay vide proceedings dated 28.08.2020 are recorded;

(ii) The respondents 1 to 3 are directed to pass orders regarding the sanction which is pending, within a period of 12 weeks from the date of receipt of a copy of this order and accordingly, all the



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consequential benefits which would flow from the said orders shall be conferred and paid to the petitioner within a further period of 8 weeks therefrom;

(iii) No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Secretary,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-9.
- 2.The Principal Secretary,
Department of Social Welfare and Nutritious Meal
Programme, Chennai.
- 3.The State Commissioner for the Differently Abled,
Commissionerate for the Welfare of the Differently Abled,
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D.BHARATHA CHAKRAVARTHY, J.

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