



WEB COPY



W.P.No.882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.882 of 2022

R.Veerappan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St. George, Chennai – 9.

2. The Director of School Education,
College Road, Chennai – 9.

3. The Chief Educational Officer,
Villuppuram District.

4. The District Educational Officer,
Villuppuram 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 the petitioner's representation dated 25.09.2021 to regularize the petitioner's father service from the date of his initial appointment on 01.10.1983, in light of G.O.Ms.No.123 School Education Department dated 17.08.2011 and consequently direct the respondents to pay monetary and service benefits with all consequential benefits and arrears.



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For Petitioner : No appearance

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for direction, directing the respondents to consider the petitioner's representation dated 25.09.2021 to regularize the petitioner's father service from the date of his initial appointment on 01.10.1983, in light of G.O.Ms.No.123 School Education Department dated 17.08.2011.

2. The petitioner's father was appointed as part time Sweeper in the Assistant Elementary Education Office, Kanai, Villupuram District on 01.10.1983. When his father was alive, he made several representations for regularization of his service. However it was not considered. Only after directions issued by this Court, the first respondent passed order in G.O.Ms.No.111, School Education R1 Department, dated 09.05.2012, thereby ordered to regularize the service of the part time sweepers from the date of completion of ten years of service. However, the monetary benefits would be given only from the



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date of receipt of the confirmation order issued to the individuals.

Thereafter, regularization order was issued on 11.06.2013. However, even before regularization, the petitioner's father died on 12.03.2009. He was granted selection grade on completion of ten years of service. Therefore, the petitioner submitted representation to regularize the petitioner's father service and the same was not considered by the respondents. Hence, the petitioner filed this present writ petition with the above prayer.

3. Heard the learned Special Government Pleader appearing for the respondents and perused the materials placed before this Court. No one is appeared on behalf of the petitioner either in person or through counsel.

4. On perusal of the counter filed by the fourth respondent and on the submission made by the learned Special Government Pleader revealed that as per the government order in G.O.Ms.No.111 School Education (R1) Department, dated 09.05.2012, part time employees were regularized. However, they filed contempt petition for seeking monetary



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benefits with effect from the date of their regularization and absorption as regular staff. Subsequently, the Government passed order vide G.O.(Ms.) No.247 School Educational (R1) Department dated 03.10.2012, the date of monetary benefit of the persons who were regularized after completion of ten years of service and absorbed into regular establishment, with effect from the date of their regularization and absorption into regular establishment, instead of the date of issuance of absorption order.

5. Insofar as the petitioner's father is concerned, he was regularized with effect from the date of completion of ten years and monetary benefit was given with effect from the said date viz., 01.10.1993. As per the government orders in G.O.(Ms.)No.111 School Education (R1) Department dated 09.05.2012 and G.O(Ms.)No. 247 School Education (R1) Department dated 03.10.2012, in regularization of service exempting the Rules 3A, 4(a), 5(1) and 5(2) of the Special Rules for Tamil Nadu Basic Service (communal rotation, age limit and educational qualification) is a boon to the petitioner. Therefore, now the petitioner cannot claim regularization of his father service from the date



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of initial appointment. That apart, the petitioner made request after the period of twelve years of his father's death. Therefore, the request made by the petitioner cannot be considered and the writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

02.07.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts

To

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