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W.P.No.12409 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

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

W.P.No.12409 of 2022

P.Alamelu

... Petitioner

Vs.

- 1.The Chief Engineer/Personnel,
TANGEDCO Ltd.,
Administrative Branch,
NPKRR Maaligai,
144, Anna Salai,
Chennai 600 002
- 2.The Executive Engineer(O&M),
TANGEDCO,
Thiruchengode 637 209
- 3.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Mallasamudram 637 503
- 4.The Assistant Engineer,
Operation and Maintenance,
TANGEDCO,
Kalipatty 633 801,
Tiruchengode Taluk,
Namakkal District

... Respondents

PRAYER:

Writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating the



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impugned order passed by the first respondent in letter No.080874/331/G.50/2021-2, dated 09.02.2022 and quash the same and consequently direct the respondents to absorb the petitioner as Part Time Conservancy worker in regular time scale of pay.

For Petitioner : Mr.P.Navaneetha Krishnan

For Respondents : Mr.A.P.Venkatesh Prasad
for M/s.Agan Legal

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 09.02.2022 thereby rejected the request made by the petitioner for regularisation of her service in time scale of pay.

2. The petitioner had applied for the post of Part Time Sweeper in the Office of the fourth respondent, which had become vacant for the reason one, Dharamaharaj Bhanu who retired as Part Time Sweeper. The said application was forwarded to the third respondent by the communication dated 27.06.2016. Though the petitioner had worked for 480 days in 24 calendar months, she was not paid any salary. As directed by the respondents, the petitioner submitted application for regularisation of her services along with annexures containing particulars of her employment. However, it was not



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considered and as such, she was constrained to file writ petition before this

Court in WP.No.21884 of 2021. This Court issued direction by an order dated 08.10.2021 to consider her representation and pass orders in accordance with law. As directed by this Court, the first respondent had considered, thereby rejected the representation submitted by the petitioner.

3. On perusal of records, admittedly the petitioner had applied for Part Time Sweeper post, that too in the place of one, Dhiramaharaj Bhanu who demitted the Office of the fourth respondent as on 30.06.2016. Therefore, the petitioner was not engaged in the regular sanctioned vacancy. There is no proof to show that she was engaged by the fourth respondent as Part Time Sweeper. Even according to the petitioner, she was not paid any salary. She submitted representation along with annexure-I stating that she had worked from 01.07.2016 to 23.10.2017 and it does not contain any signature from the fourth respondent. Therefore, the petitioner failed to prove that she had been engaged by the fourth respondent as Part Time Sweeper and the first respondent rightly rejected the request made by the petitioner and this Court finds no infirmity or illegality in the order passed by the first respondent. As such, this writ petition is devoid of merits and liable to be dismissed.



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4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

09.01.2024

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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