



WP No. 23579 / 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition No. 23579 of 2014

Palaniammal

...Petitioner

Versus

1. Director of Town Panchayat,
Kuralagam, Chennai.

2. Assistant Director of Town Panchayat,
Coimbatore.

3. Assistant Director of Town Panchayat,
Erode Region, Erode.

4. Executive Officer,
Dhali Town Panchayat,
Udumalaipet,
Coimbatore District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the fourth respondent in his proceedings Na.Ka.No. 126/2009 dated 04.06.2014 and quash the same and further directing the respondents to regularise the service of the petitioner's husband with consequent benefits.



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For Petitioner : Mr. V. Gangatharan.

For Respondents : Mr. S. Ravikumar,
Special Government Pleader for R1 to R3.

Mr. P. Chinnadurai for R4.

ORDER

This writ petition has been filed seeking for regularising the service of the petitioner's husband by setting aside the impugned order in Na.Ka. No. 126/2009 dated 04.06.2014.

2. According to the affidavit filed in support of this petition, the petitioner's husband was working as a full-time watchman under the fourth respondent Panchayat Union. A resolution has been passed by the said Panchayat Union which was forwarded through the District Collector to the first respondent recommending him to regularise the service and the same was not considered. Thereafter, a vacancy of Sanitary Worker arose in the year 2001 in the said Panchayat Union for which the petitioner's husband made a representation to appoint him as a regular sanitary worker. That request was also not considered. In spite of passing of many Government Orders and making many number of regularisations of the service of the daily wages who completed more than



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ten years, the petitioner's husband's request has not been considered.

Ultimately, the petitioner's husband passed away. Thereafter, the petitioner filed number of applications to the District Collector and the respondents to regularise the service of her husband and to pay benefits. However, the same were not considered.

3.Learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel for the fourth respondent submitted that the petitioner's husband was engaged as a contract labour and thereby his service cannot be regularised.

4.On perusal of records, it is found that the petitioner worked on a temporary basis and according to the respondents, his service could not be regularised. Even otherwise, this writ petition is filed in the year 2014 and subsequently, the petitioner's husband has passed away and even the petitioner has also attained the age of superannuation. Hence, no purpose would be served if any order is passed in favour of the petitioner, since the prayer in the petition has become infructuous.



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5. Accordingly, without going into the merits of the case, this writ

petition is closed. No costs.

04.01.2024

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2. Director of School Education,
Chennai – 6.

3. Director of Elementary Education,
Chennai – 6.

4. The Chairman,
Teachers Recruitment Board,
Chennai – 6.



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