



W.P.No.23770 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.23770 of 2021 and
W.M.P.No.25023 of 2021

R.Baskaran

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.
- 2.The State of Tamil Nadu,
Rep by its Additional Chief Secretary to
Government,
Revenue Department,
Secretariat, Chennai - 9.
- 3.The Commissioner of Revenue Administration,
Chepauk, Chennai - 5.
- 4.The District Collector,
Collector Office,
Ranipet District.
- 5.The Tahsildar,
Taluk Office,
Walajah Taluk,
Ranipet District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to regularise the services of the petitioner in the cadre of Junior Assistant and confer the time scale of pay in the light of G.O.Ms.No.151, Social Welfare and Noon Meal Scheme Department dated 16.10.2008 and G.O.Ms.No.304, Revenue and Disaster Management Department dated 26.02.2021 granting the order of regularisation in respect of similarly placed person by considering the proposal sent by the 4th respondent to the second respondent vide proceedings in Na.Ka.A3/11882/2018 dated Nil.05.2019 within a period that may be stipulated by this Court.

For Petitioner : Mr.B.Vishnu Chelliya for
M/s.Ajmal Associates

For Respondents : Mr.T.Chezhiyan, AGP for R1 to R5

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to regularise the services of the petitioner in the cadre of Junior Assistant and confer the time scale of pay in the light of G.O.Ms.No.151, Social Welfare and Noon Meal Scheme Department dated 16.10.2008 and G.O.Ms.No.304, Revenue and Disaster Management Department dated 26.02.2021 granting the order of regularisation in respect of similarly placed person by considering the proposal sent by the 4th respondent to the second respondent vide



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proceedings in Na.Ka.A3/11882/2018 dated Nil.05.2019 within a period that may be stipulated by this Court.

2. Heard Mr.B.Vishnu Chelliya, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents 1 to 5.

3. The petitioner has been appointed as Junior Assistant on consolidated pay basis on 09.07.2003 in the fifth respondent office. The Government has passed an order in G.O.Ms.No.151, Social Welfare and Noon Meal Scheme Department dated 16.10.2008 to regularise the service of the physically challenged persons who have completed two years of service on consolidated pay basis. The petitioner claims that he is a physically challenged person with 60% disability and he is continuing his employment on consolidated pay from 09.07.2003. Since the petitioner has been in service for more than ten years, he has given a representation stating that his services should be regularised and he should be given with the time scale of pay.



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4. In fact, the fourth respondent has sent details to the second respondent in response to the letter of the second respondent. In the said details, the petitioner's name was also mentioned and stated that the petitioner has been in service for more than 15 years on consolidated pay. Similarly placed persons who have filed a Writ Petition before the Madurai Bench of Madras High Court in W.P.No.10175 of 2014 for seeking similar relief have been given with the favourable order.

5. The learned Additional Government Pleader for the respondents submitted that the petitioner has not produced any proof to show that he is a physically challenged person and his special examination results were also withheld by the Tamil Nadu Public Service Commission as he used pencil to mark the answers in the answer sheet.

6. The learned counsel for the petitioner submitted that the petitioner has produced the disability certificate that he is suffering from 60% locomotive disability and that can be taken into consideration by the respondents. So far as the averments with regard to the special



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examination, G.O.Ms.No.151 dated 16.10.2008 does not state anything about the qualification to be acquired by passing the examination conducted by the Tamil Nadu Public Service Commission.

7. A relief has been given by this Court in the above said case, irrespective of the fact of participation in any of the competent examination sponsored by the Tamil Nadu Public Service Commission. Infact the petitioner in W.P.No.10175 of 2014 did not even appear for any examination. So the respondents cannot state the reason of withholding the result of the petitioner by the Tamil Nadu Public Service Commission in the special examination held by them as the reason for not releasing the orders for regularising the service of the petitioner and granting time scale of pay.

8. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the claim of the petitioner subject to the production of necessary certificate to show that the petitioner is physically challenged, within a period of six weeks from the



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date of receipt of a copy of this order. No costs. Consequently, connected
miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

20.03.2024



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WEB COPY

To

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R.N.MANJULA, J.

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