



WEB COPY



W.P.No.24016 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.24016 of 2021 and
W.M.P.No.25322 of 2021

- 1.N.Annamalai
- 2.R.Palanisamy
- 3.R.A.Govindasamy
- 4.Tmt. Nirmala Rani

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep by Secretary to the Government
School Education Department,
Fort St. George, Chennai 600 009.
- 2.The Secretary
Government of Tamil Nadu,
Finance Department
Fort St. George, Chennai 600 009.
- 3.The Director of Elementary School Education,
College Road,
Chennai 600 006.
- 4.The District Educational Officer,
Coimbatore District,
Coimbatore.
- 5.The District Educational Officer,
Perur, At Kuniyamuthur, Coimbatore District.



W.P.No.24016 of 2021

6.The District Educational Officer,
Sarkarsamakulam,
Coimbatore District.

7.The Block Educational Officer,
Sulur Panchayat Union,
Sulur, Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to pass the order on the proposal in Na.Ka.No.870/J2/2010 dated 25.03.2011 mentioned in typed set of papers Pg.No.28, sent by the Director of Elementary Education, Chennai - 6, to implement the order in W.P.No.39923 of 2006 dated 03.04.2009 and grant benefit of regularization to the petitioners on completion of 10 years of service as night watchman on contingent employment, from the date of appointment, with monetary benefits and to grant the benefits by fixing the pay with arrears and fix last pay drawn and to forward Revised Pension proposal for sanction to Accountant General for Sanction with arrears.

For Petitioners : Mr.R.Saseetharan

For Respondents : Mr.Yogesh Kannadasan, SGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of



W.P.No.24016 of 2021

Mandamus, to direct the respondents 1 and 2 to pass order on the proposal in Na.Ka.No.870/J2/2010 dated 25.03.2011 sent by the Director of Elementary Education, Chennai-6 to implement the order in W.P.No.39923 of 2006 dated 03.04.2009 and grant the benefit of regularization to the petitioners on completion of 10 years of service as night watchman on contingent employment, from the date of appointment, with monetary benefits and to grant the benefits by fixing the pay with arrears and fix last pay drawn and to forward Revised Pension proposal for sanction to Accountant General for Sanction with arrears.

2. Heard Mr.R.Saseetharan, learned counsel for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents.

3. The petitioners 1 to 3 are the petitioners 2,3 & 4 in the earlier Writ Petition in W.P.No.39923 of 2006 and the legal heir of the first petitioner in W.P.No.39923 of 2006 is the fourth petitioner herein. The above Writ Petition has been filed seeking a Writ of Mandamus to



W.P.No.24016 of 2021

regularise the service of the petitioners therein in the post of Night Watchman from the date of their appointment with all attendant benefits.

The said Writ Petition was partly allowed with the following observations:

“6. The only difference in this case is that the Government ordered regularisation to all the contingent staff only after completion of 5 or 10 years of contingent service and as such, the petitioners will get the right of regularisation after their completion of 10 years of contingent service. Hence, the benefit of regularization granted to the petitioners by G.O.Ms.No.85 Education, Science and Technology Department dated 08.02.1994 should be made available to him from the date of completion of 10 years of service in the contingent establishment.

7. Accordingly, the Writ Petitions is partly allowed. Necessary fresh orders are directed to be passed by this respondents within a period of three months from the date of receipt of a copy of the order, granting regularization of the petitioners service on their completion of 10 years of contingent service and not from the date of grant of relaxation. No costs.”



W.P.No.24016 of 2021

WEB COPY

4. The learned counsel for the petitioners submitted that so far the order passed in the above Writ Petition has not been implemented and the benefit of the order was not allowed to be enjoyed by the petitioners.

5. The learned Special Government Pleader for the respondents submitted that there is an anomaly between two judicial pronouncement in counting the minimum years of completion of service for the purpose of considering regularisation.

6. In the case in hand, the petitioners have completed 10 years of service. In fact the learned counsel for the petitioners restricted his claim only on the basis of completion of service, provided the benefit is given from the date of completion of 10 years of service. In such case, there cannot be any difficulty for the respondents to consider the representation of the petitioners and pass appropriate orders.



WEB COPY



W.P.No.24016 of 2021

7. In view of the above observations, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioners and pass appropriate orders in the light of the order passed in W.P.No.39923 of 2006, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2024

Index : Yes

Internet : Yes/No

gsk



W.P.No.24016 of 2021

To

WEB COPY

- 1.The Secretary to the Government
School Education Department,
Fort St. George, Chennai 600 009.
- 2.The Secretary
Government of Tamil Nadu,
Finance Department
Fort St. George, Chennai 600 009.
- 3.The Director of Elementary School Education,
College Road,
Chennai 600 006.
- 4.The District Educational Officer,
Coimbatore District,
Coimbatore.
- 5.The District Educational Officer,
Perur, At Kuniyamuthur, Coimbatore District.
- 6.The District Educational Officer,
Sarkarsamakulam,
Coimbatore District.
- 7.The Block Educational Officer,
Sulur Panchayat Union,
Sulur, Coimbatore District.



WEB COPY



W.P.No.24016 of 2021

R.N.MANJULA, J.

gsk

W.P.No.24016 of 2021
and W.M.P.No.25322 of 2021

23.01.2024