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W.P.Nos.25472 of 2021 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.25472, 25479, 25481, 25482, 25483, 25485, 25487, 25488,
25489, 25490, 25492, 26386, 26404, 26396, 26399, 26400, 26401, 26403,
26407, 26390, 26392 & 26395 of 2021

W.P.No.25472/2021

M.Kamala

... 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 – 09.

3. The Chief Educational Officer,
Dharmapuri – District.

4. The District Educational Officer,
Dharmapuri – District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to



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issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 25.09.2021 to regularize the petitioner's service from the date of his initial appointment on 31.10.1980, in the 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 of pay.

For Petitioner ... M/s.Esairani Narasimman
(in all W.P's.)

For Respondents ... Mr.P.Gurunathan
(in both W.P's.) Additional Govt. Pleader

COMMON ORDER

The petitioners whose services have been regularised in pursuant to the proceedings, dated 20.06.2012 in Na.Ka.No.149/A1/2006 have filed these Writ Petitions, seeking direction to the respondents to consider their representation dated 25.09.2021 and calculate the petitioners' service from the date of their initial appointment for the purpose of pensionary and other terminal benefits.

2. Heard M/s.S.Esairani Narasimman, learned counsel for the petitioners and Mr.P.Gurunathan, learned Additional Government Pleader



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appearing for the Respondents.

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3. The petitioners were originally appointed as Sweepers through employment exchange. In pursuant to G.O.Ms.No.111, School Education R1 Department, dated 09.05.2012, an order has been issued to regularise the service of the petitioners and similar others on their completion of 10 years of service. However, the above G.O has been issued in pursuant to the orders of this Court in W.P.No.27607 of 2010, dated 23.12.2010.

4. There is no quarrel on the facts that the petitioners have completed 10 years of service and vide proceedings dated 20.06.2012, they were regularised in service. However, the claim of the petitioners is that the petitioners' past service from the date of their appointment, should also be taken into account for the purpose of pension and other terminal benefits. Hence, the petitioners made representation on 25.09.2021 and so far no orders have been passed.

5. Mr.P.Gurunathan, the learned Additional Government Pleader appearing for the Respondents submitted that the petitioners have been



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regularised subsequent to 01.04.2003 and hence, their past services cannot be taken into account.

6. However, the petitioners have joined service as early as during the years 1971 – 1993. Hence, the respondents are directed to consider the representation of the petitioners dated 25.09.2021 regarding their past service from the date of their initial appointment and pass orders on merits and in accordance with law within four weeks from the date of receipt of a copy of this order.

7. With the above direction, these Writ petitions are disposed of. No costs.

21.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn

To:

1. The Secretary to Government,
State of Tamil Nadu,
Education Department,



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R.N.MANJULA ,J.

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