



W.P.No.28831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28831 of 2024

P.Vijayalakshmi,
Ayah (Retired),
Government Service Home,
Social Welfare and Nutritious Meal Programme Department,
Tambaram Sanitorium,
Chennai – 600 047.

.. Petitioner

Vs.

1.The Principal Secretary to the Government,
Social Welfare and Women Empowerment Department,
(Formerly Social Welfare and Nutritious Meal
Programme Department),
Fort St. George, Chennai – 600 009.

2.The Commissioner,
Department of Social Welfare,
Lady Wellington College Campus,
Kamarajar Salai, Chennai – 600 005.

3.The Superintendent,
Government Service Home,
Tambaram Sanitorium,
Chennai – 600 047.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to
regularize the services of the petitioner on her completion of 10 years of



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service from her initial post from date of joining and fix the pay in the regular time scale and grant pension to the petitioner under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) on par with her juniors and similarly placed persons in the seniority list as per G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, other Government Orders.

For petitioner : Mr.U.Karunakaran

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to regularize the services of the petitioner on her completion of 10 years of service from her initial date of joining and to fix the regular time scale and grant pension to the petitioner under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) on par with her juniors and similarly placed persons within a time frame fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.



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3.The case of the petitioner is that she joined as a Helper in the Government Orphanage at Chennai through employment exchange on 30.10.1992. Thereafter, in the year 2006, the Government issued G.O.Ms.No.22, dated 28.02.2006, in which all the Government Departments were directed to regularize the services of the employees who are engaged on daily wage basis and who have completed more than 10 years of service as on 01.01.2006. This was further clarified by the subsequent Government Order in G.O.Ms.No.74 dated 21.06.2013.

4.Pursuant to the above, the 2nd respondent prepared a seniority list of Assistant Cook and Helpers as on 15.03.2009, in which the petitioner's name was found in Sl.No.19. Thereafter, the petitioner was promoted as Ayah in the year 2010 and the pay scale was also fixed along with grade pay.

5.The further case of the petitioner is that the persons who are juniors to the petitioners and who are similarly placed also sought for regularization by filing W.P.(MD).No.5057 to 5063 of 2011 and pursuant to the orders passed in the writ petition, their services were regularized.



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6.The petitioner claims that she is entitled for the scale of pay which was sanctioned to her juniors and to similarly placed persons and hence, the petitioner made a representation in this regard to regularize her services from the date of joining and to fix the pay on par with her juniors and to provide pension under the Old Pension Scheme. Since, the same has not been considered, the present writ petition has been filed before this Court.

7.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the 1st respondent to deal with the representation made by the petitioner on 16.08.2024 in line with the proposal that has been sent by the 2nd respondent on 08.08.2006 and deal with the same on its own merits and in accordance with law and a final decision shall be taken within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8.The petitioner is directed to make a fresh representation to the respondents 1 & 2 along with all the relevant documents and also a copy of this order.



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WEB COPY 9. In the result, this Writ Petition is disposed of with the above directions. No costs.

03.10.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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(Formerly Social Welfare and Nutritious Meal
Programme Department),
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N.ANAND VENKATESH, J.

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