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W.P. No. 33533 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 33533 of 2019

S. Rajammal

... Petitioner

Vs.

1.The Secretary to Government,
Public Department,
The Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2.The Secretary to Government,
Revenue Department,
The Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

3.The Commissioner of Revenue Administration/
Principal Secretary, Ezhilagam Building,
Chepauk, Chennai – 600 005.

4.The District Collector,
Erode District, Erode.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, to direct the respondents to extend the
benefits of the judgment of this Court in W.P. No.27684 of 2012 dated



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08.09.2014 and W.A.No.1577 of 2016 dated 11.07.2019 by regularizing the services of the petitioner as Junior Assistant with all consequent monetary and other benefits.

For Petitioners : Mr. M. Gnanasekar

For Respondents : Mrs. R.L. Karthika,
Government Advocate

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to extend the benefits of the judgment of this Court in W.P. No.27684 of 2012 dated 08.09.2014 and W.A.No.1577 of 2016 dated 11.07.2019 by regularizing the services of the petitioner as Junior Assistant with all consequent monetary and other benefits.

2. Heard Mr. M. Gnanasekar, learned counsel for the petitioner and Mrs. R.L. Karthika, learned Government Advocate respondents.

3. The petitioner has been appointed as a Junior Assistant on consolidated pay in the year 2005. The petitioner's service was extended from time to time for several years and she was in continuous



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employment until her retirement. Similarly placed persons who have been appointed as Junior Assistants in other Departments have been regularised in the Government service. But the services of the petitioner has not been regularised. Hence the similarly placed persons like the petitioner have filed a Writ Petition in W.P.No.27684 of 2012 for seeking regularisation of their services with effect from the year 2005 which is from the date of appointment with all monetary benefits and absorb them in the post of Junior Assistant. The following direction has been given in the above said Writ Petition:

"14. In view of the Article 41 and 43 of the Constitution of India, the Government must ensure issuing proper direction to the concerned authorities in cases where the persons, like the petitioners whose services have been utilised for nearly a decade are not given proper employment with time scale of pay. It is not only in element but also complying with the principles of natural justice. In the light of the observation made in the judgment, I am of the view that the respondents are directed to pass orders within a period of three months from the date of receipt of a copy of this order."



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4. The subsequent Writ Appeal filed challenging the above said order has also been dismissed. Since the direction given by the Court was not complied, a contempt petition came to be filed and subsequently, the third respondent has passed an order by rejecting the representation of the petitioners for regularisation. In the impugned order, it is mentioned that there is no rule or provision to regularise the services of the Junior Assistants appointed on consolidated pay.

5. However, the learned counsel for the petitioner submitted that similarly placed persons who have been appointed on consolidated pay in the other departments have been regularised and the petitioner alone were discriminated. The petitioner has been appointed through District Employment Exchange by undergoing a thorough selection process and they cannot be said to be the persons coming through back door entry as observed in Umadevi's case. The attention of this Court was drawn to the regularisation so made for similar such employees who have been engaged during Tsunami Disaster from 01.03.2005 to 31.05.2009 in G.O.Ms.No.332 dated 16.07.2010.



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9. In the result, this Writ Petition is allowed with the following direction: -

i) The respondents are directed to consider the regularisation of service of the petitioner by taking into consideration of the similar such persons whose services have already been regularised on various occasions, within a period of three weeks from the date of receipt of copy of this order.

10. There shall be no order as to costs.

16.12.2024

Index : Yes
Internet : Yes/No
AT



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BATTU DEVANAND, J.

AT

To

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