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W.P.No.35912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35912 of 2023

P.Latha

...Petitioner

Vs.

1. The Principal Secretary,
Rural Development & Panchayat Raj Department,
Government of Tamilnadu,
Secretariat, Chennai 600 009
- 2.The Principal Secretary,
Social Welfare and Nutritious Meal Programme Department,
Secretariat,
Chennai 600 009
- 3.The Principal Secretary,
Welfare of Differently Abled Persons Department,
Secretariat,
Chennai 600 009
- 4.The Director,
Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai 600 015
- 5.The District Collector,
Kallakurithi District,
Kallakurithi
- 6.Block Development Officer,
Kallakurithi District

...Respondents



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PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to regularise service of the petitioner with effect from the completion of two years of their service under consolidated pay, in the light of the GO.Ms.No.151 Social Welfare & Nutritious Meal Program Department dated 16.10.2008, together with all monetary and service benefits.

For Petitioner : Mr.Vijay Anand

For Respondents
For R1 to 5 : Mr.U.Baranidharan,
Additional Government Pleader

For R6 : M/s.K.Vasanthamala,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to regularise the service of the petitioner with effect from the completion of two years of service under consolidated pay, in the light of the GO.Ms.No.151 Social Welfare & Nutritious Meal Program Department dated 16.10.2008, together with all monetary and service benefits.

2. Heard, the learned counsel appearing on either side.



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3. The petitioner has been appointed as Computer Assistant in the sixth respondent's Office through Employment Exchange on the consolidated salary of Rs.7,500/- per month by the proceedings dated 16.12.2009. Subsequently, his consolidated salary was increased to the tune of Rs.16,000/- per month as per proceedings dated 04.10.2023 on the file of the fifth respondent. He has been working as Computer Assistant for more than 13 years continuously under consolidated salary. As per GO.Ms.No.151 Social Welfare and Nutritious Meal Programme Department dated 16.10.2008 on the file of the second respondent is clear that every physically disabled person who have completed two years of work under consolidated pay in various departments has to be brought in regular time scale of pay. In fact, by the proceedings dated 01.07.2022, the fifth respondent asked for details of the physically challenged persons those who are working on consolidated salary for more than two years in the sanctioned post appointed by the Government from the sixth respondent. However, the sixth respondent failed to furnish any details to the fifth respondent to regularise the petitioner. Therefore, the petitioner submitted detailed representation and it is pending on the file of the fifth respondent.

4. Considering the above facts and circumstances of the case, the



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sixth respondent is directed to send necessary proposal to regularise the service of the petitioner to the fifth respondent within a period of two weeks from the date of receipt of copy of this order. On receipt of the same, the fifth respondent is directed to regularise the service of the petitioner immediately after completion of two years of his service with all monetary and service benefits within a period of four weeks thereafter.

5. With the above directions, this writ petition is allowed. There shall be no order as to costs.

02.01.2024

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok



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G.K.ILANTHIRAIYAN, J.



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