



W.P.(MD).No.6046 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6046 of 2024

N.Murugan

... Petitioner

Vs

1. The District Educational Officer,
Nagercoil, Kanyakumari District.
2. The Headmaster,
Government Primary School,
Maravankudiyirupu, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize petitioner's mother service as Full-Time Sweeper on the date of completion of ten years of part time service from 12.10.1989 and to pay time scale of pay and other benefits payable with effect from 12.10.1999 by counting the 50 % of part time service for the purpose of pension in the light of the order passed in W.A.(MD).No.93/2018, dated 27.03.2018 as confirmed by the Hon'ble Apex Court by dismissal of S.L.P.No.23980 of 2018 and in the Light of Government Order in G.O.Ms.No.111, School Education (R1), dated 09.05.2012.



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For Petitioner : Mr. R. Maheswaran
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to regularize petitioner's mother service as Full-Time Sweeper on the date of completion of ten years of part time service from 12.10.1989 and to pay time scale of pay and other benefits payable with effect from 12.10.1999 by counting the 50 % of part time service for the purpose of pension in the light of the order passed in W.A.(MD).No.93/2018, dated 27.03.2018 as confirmed by the Hon'ble Apex Court by dismissal of S.L.P.No.23980 of 2018 and in the Light of Government Order in G.O.Ms.No.111, School Education (R1), dated 09.05.2012.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner's mother was appointed in the sanctioned post as Part time Sweeper in the 2nd respondent School on 12.10.1989. The said vacancy is a sanctioned vacancy. The Government passed G.O.Ms.No.22 to regularize the service of daily wage employee in all Government Department, who have completed 10 years of service as on 01.01.2006. Though the petitioner's mother had rendered more than 30 years of service, her service was not regularized. She made several representations to regularize her service on the basis of said G.O.Ms.No.22. While so, she passed away on 23.10.2018. Even after that her service was not regularized and benefits are not disbursed.

(ii).Subsequent to the G.O.Ms.No22, yet another G.O.Ms.No.111, dated 09.05.2012 was issued by the Government to regularize the service of 614 Part time Sweepers. Even after that the service of the petitioner's mother was not regularized. In this regard, the petitioner made a representation to the first respondent on 14.09.2022. However, the same was not considered. Hence, this writ petition came to be filed.



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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 14.09.2022 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The District Educational Officer,
Nagercoil, Kanyakumari District.
2. The Headmaster,
Government Primary School,
Maravankudiyirupu, Kanyakumari District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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