



WP.(MD).No.7632 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7632 of 2024

T.Mohan Raj

... Petitioner

Vs.

1.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

2.The District Educational Officer,
Marthandam,
Kanyakumari District.

3.The Headmaster,
Government High School,
Maarayapuram,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to regularize the petitioner's mother service as Full Time sweeper on the date of completion of ten years of part time service from 20.02.1975 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 of 2018 dated 27.03.2018 as



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confirmed by the 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.

For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to to regularize the petitioner's mother service as Full Time sweeper on the date of completion of ten years of part time service from 20.02.1975 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 of 2018 dated 27.03.2018 as confirmed by the 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.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner's mother was appointed as Part Time Sweeper in the third respondent School on 20.02.1965 in a sanctioned vacancy. Though the nomenclature of the said post is Part Time Sweeper, the nature of the work was that of Full Time employee. The Government passed G.O.Ms.No.22 to regularize the service of daily wage employees of all Government Department, who have completed 10 years of service as on 01.01.2006. In this regard, she filed a Writ Petition in W.P.(MD)No.23808 of 2023. During the pendency of the same, she passed away on 17.09.2023. In view of her death, the petitioner mother's counsel has withdrew the Writ Petition. However, her service has not been regularized and her benefits were not disbursed so far. Hence, on 10.02.2024 and 06.01.2024, the petitioner had sent a representation to the first respondent seeking to regularize his mother service and the same has not be considered. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and carefully perused the entire materials available on record.

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



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upon the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.In view of the same, without going into merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated 06.01.2024 and pass appropriate orders within a period of 12 weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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