



W.P.(MD) No.15591 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.15591 of 2020

and

W.M.P.(MD) No.13090 of 2020

1.Ganapathi Pandian

2.P.Esakki Muthu

3.S.Esakki Muthu

... Petitioners

Vs.

1.The State, rep., by its

Secretary,

Department of Welfare of Backward Community,

Ezhilagam, Chennai.

2.The District Collector,

Tirunelveli District,

Tirunelveli.

3.The Welfare Officer,

District Backward Classes and Most Backward Classes

and Minorities Welfare Office,

Tirunelveli.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the entire records connected with the impugned proceedings published by press release of the 2nd respondent dated 20.09.2020 and quash the same and directing the respondents to appoint the petitioners in the vacant post of cook in the 3rd respondent hostels.

For Petitioners : Mr.K.K.Kannan

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed questioning the action of the respondents in proposing to fill up the post of Cook and to quash the same and consequently, to direct the respondents to appoint the petitioner in the vacant post to Cook in the 3rd respondent-hostels.

2. It is the case of the petitioners that they were appointed as part time Sweepers under consolidated pay with effect from 19.06.2013, 24.06.2013 and 09.10.2014 respectively in the 3rd respondent-hostels and their services were also utilised for the purpose of cooking, as and when the



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regular Cooks are absent. It is also the further claim that there are sanctioned post of Cook available and therefore, they are entitled for regularisation of their services as Cook. Thus, the petitioners approached this Court by filing the present writ petition.

3. Respondent No.3 filed a counter affidavit stating that the petitioners are not entitled for regularisation in the post of Cook and considering their eligibility, their services have been regularised through proceedings in Na.Ka.Gna5/11843/2020, dated 18.02.2021, in terms of G.O.Ms.No.101 BC/MBC/Minorities Welfare Department, dated 22.12.2020 with special time scale of pay and that the petitioners have also accepted the same and continuing in service. The relevant Paragraph No.19 of the counter affidavit filed by the 3rd respondent reads as under:

“It is humbly submitted that the petitioners herein filed this writ petition for the purpose of appointing them in the state regularized post. Now as per the proceedings of the 3rd respondent in Na.Ka.Gna5/11843/2020, dated 18.02.2021 the petitioners service were regularised from the date of



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order in G.O.Ms.No.101 BC/MBC/Minorities welfare department, dated 22.12.2020 with special time scale of pay (Rs.4,100-Rs.12,500) and they have accepted it and continuing the service.”

4. In the light of the above, learned counsel for the petitioners submitted that the petitioners are entitled for regularisation of their service in the post of Sweeper from the date of their initial appointment, but their cases were considered only with effect from the date of issuance of G.O.Ms.No. 101, dated 22.12.2020. It is further submitted by the learned counsel for the petitioners that the petitioners intend to submit a representation to the respondents for consideration of their case for regularisation with effect from the date of their initial appointment instead of 22.12.2020.

5. In the light of the above, this Writ Petition is disposed of permitting the petitioners to submit appropriate representation by duly making their claim for regularisation of their service from the date of their initial appointment within a period of four weeks from the date of receipt of a copy of this order. In case, if any such representation is submitted by the



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petitioners within the time stipulated above, the respondents are directed to consider the same and pass appropriate orders thereon within a period of twelve weeks from the date of submission of the said representation. No costs. Consequently, connected miscellaneous petition, if any, shall stand closed.

12.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

- 1.The Secretary,
Department of Welfare of Backward Community,
Ezhilagam, Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Welfare Officer,
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MUMMINENI SUDHEER KUMAR, J.

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