

WA.No.2484 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN**

W.A.No.2484 of 2021

- 1.G.Lakshmi
- 2.J.Baby
- 3.R.Lakshmi
- 4.B.Nagamani
- 5.M.Ammavasai
- 6.P.Paraman
- 7.R.Venkataraman
- 8.M.Duraisamy
- 9.K.Devaraj
- 10.G.Saraswathi
- 11.K.Vimala
- 12.C.Pappathi
- 13.C.Subbammal
- 14,P.Kalimuthu
- 15.K.Jayapal

... Appellants

VS

- 1.Government of Tamil Nadu,
Rep. By its Secretary to Government,
Home Department,
Fort St. George, Chennai 600 009.



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2.Principal Secretary,
Finance Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.

3.The Director General of Police,
Police Headquarters,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

4.The Inspector General of Police,
West Zone, COP Campus,
Coimbatore 641 018.

5.The Deputy Inspector of Police,
No.27, Abdul Rehman Road,
Red Fields, Coimbatore 641 018.

6.The Commissioner of Police,
Coimbatore City,
Coimbatore – 641 018.

7.C.Gurusamy, (Since deceased) .. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2018 made in W.P.No.4604 of 2013 by this Court.

For Appellants : Mr.K.M.Ramesh, Senior Counsel
for Mr.V.Subramani

For Respondents: Mr.P.S.Raman, Advocate General,
assisted by Mrs.V.Yamuna Devi
Special Government Pleader
(for R1 to R6)

R7 – Died



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JUDGMENT

(Order of the Court was made by Dr.ANITA SUMANTH.,J.)

WP.No.4604 of 2017 was filed by 16 writ petitioners of whom Mr.C.Gurusamy is stated to have passed away and Mr.G.Lakshmi, Mrs.K.Vimala and Mrs.C.Pappathi are stated to be currently in service. A tabulation of the service particulars of all writ petitioners has been filed, and as regards Mrs.C.Subbammal, the following endorsement is found:-

13.	Mrs.C.Subbammal	With regard to her appointment No Records/ Service Book are available. Further her Services were not regularized, either in G.O.Ms.No.653, Home (Pol.XV), dt.01.08.09 or in G.O.Ms.No.202, Home (Pol.XV), dt. 05.03.12
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2. In light of the categoric statement to the effect that there are no records of service available in regard to Mrs.C.Subbammal in the Coimbatore Commissionerate, we are not inclined to pass any positive direction in her case.

3.It is to be noted that in the writ petition, which was filed jointly by all 16 petitioners, the generic prayer was for a mandamus directing the respondents to regularise their services as full time Sweepers, fix them in regular time scale of pay and to extend all benefits due to regular



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Government Service.

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4. Notably, the above Appellant has not placed on record any document evidencing her service. We would thus simply close this writ appeal as far as this appellant is concerned, granting liberty to her approach the respondents with a representation, enclosing all relevant documents evidencing her service as a Sweeper in the office of the respondents.

5. Such representation, if filed within a period of six (6) weeks from date of receipt of the order, shall be considered by the respondents in accordance with law and disposed after hearing this appellant within a period of four (4) weeks from date of receipt thereof.

6. Adverting to the other appellants, the details of their service has been placed on record as follows:

<i>Details of the Appellants</i>				
S. No.	Appellants	Name of Appointment/ Post	Details of Regularization	Copies enclosed
1.	Mrs.G.Lakshmi (Currently in service)	Initially appointed as Part time sweeper under contingencies on 20.10.1986 based on the report of the Inspector of Police, Armed Reserve, Coimbatore City	Service Regularised as police Station Cleaners with STS Pay 1300-3000+300 wef 1.08.09, as per G.O.Ms.No.653	1.Report of the Inspector, Armed Reserve 2.Appointment order in D.O. 446/87.22554/C2/86, Dt. 23.03.87



Details of the Appellants

			, Home (Pol.XV), dt. 01.08.09	3.Regularisation-CPO 1372/09, C3/51723/2009, 27.10.09
2.	Mrs.J.Baby (Retired on 30.06.17)	Initially appointed as Part time sweeper under contingencies based on the report of Inspector, B4 L&O PS in 1987	Service Regularised as police Station Cleaners with STS Pay 1300-3000+300 wef 1.08.09, as per G.O.Ms.No.653, Home (Pol.XV), dt. 01.08.09	1.Report of the Inspector, B4 L&O PS 2.Regularisation CPO-1372/2009, C3/51723/2009, Dt.27.10.09 3.Retirement order in CPO-921/2017, J2/Pen.44/2017, dt.30.06.2017
3.	Mrs.R.Lakshmi (Retired on 30.11.2018)	Part time Sweeper-31.12.99 through Employment (as in Regularization Order) – Records not available	Service Regularised as police Station Cleaners with STS Pay-1300-3000+300 w.e.f 05.03.2012, as per G.O.202, Home (Pol.XV), Dt.05.03.12	1.Appointment order in CPO:72/2000, C4/52481/99, Dt.31.12.99 2.Regularisation CPO- 446/12, C3/68208/2010, Dt.10.04.12 3.Retirement order in CPO- 1566/2018, J2/60897/2018, dt.30.11.2018
4.	Mrs.B.Nagamani (Retired on 31.08.19)	Part time Sweeper-31.12.99 -through Employment (Copy of Regularization order)	Service Regularised as police Station Cleaners with STS Pay-1300-3000+300 w.e.f 05.03.2012, as per G.O.202, Home (Pol.XV),	1.Appointment order in CPO:72/2000 C4/52481/99, Dt.31.12.99 2.Regularisation CPO-446/12, C3/68208/2010, 10.04.12



Details of the Appellants

			Dt.05.03.12	3.Retirement order -CPO- 1042/2019, J2/Pen.33/2019, Dt.30.08.2019
5.	Mrs.M.Amavasai (Retired on 31.10.2013)	Part time Sweeper-31.12.99 -through Employment (Copy of Regularization order)	Service Regularised as police Station Cleaners with STS Pay-1300-3000+300 w.e.f 05.03.2012, as per G.O.202, Home (Pol.XV), Dt.05.03.12	1.Appointment order in CPO:72/2000 C4/52481/99, Dt.31.12.99 2.Regularisation CPO-446/12, C3/68208/2010, 10.04.12 3.Retirement order -CPO- 1519/2013, J2/57276/2012, Dt.30.10.2013
6.	Tr.P.Paraman (Retired on 31.1.2022)	Part time Sweeper-31.12.99 -through Employment (Copy of Regularization order)	Service Regularised as police Station Cleaners with STS Pay-1300-3000+300 w.e.f 05.03.2012, as per G.O.202, Home (Pol.XV), Dt.05.03.12	1.Appointment order in CPO:72/2000 C4/52481/99, Dt. 31.12.99 2.Regularisation CPO- 446/12, C3/68208/2010, 10.04.12 3.Retirement order -CPO- 88/22, J2/4496/22, dt.29.01.2022
7.	Tr.R.Venkataram (Retired on 30.04.2015)	Part time Sweeper-31.12.99 through Employment (Copy of Regularization order)	Service Regularised as police Station Cleaners with STS Pay-1300-3000+300 w.e.f 05.03.2012, as per G.O.202,	1.Appointment order in CPO:72/2000 C4/52481/99, Dt. 31.12.99 2.Regularisation CPO- 446/12, C3/68208/2010, Dt.10.04.12



Details of the Appellants

			Home (Pol.XV), Dt.05.03.12	3.Retirement order -CPO- 615/2015, J2/Pen.19/2015, Dt.29.04.2015
8.	M.Duraisamy (Retired on 31.12.18)	Part time Sweeper- 31.12.99 through Employment (Copy of Regularization order)	-do-	1.Appointment order in CPO:72/ 2000 C4/52481/99, Dt. 31.12.99 2.Regularisation CPO- 446/12, C3/68208/2010, Dt.10.04.12 3.Retirement order -CPO- 1705/18, J2/Pen.83/2018, Dt.31.12.2018
9.	K.Devaraj (Retired on 30.04.2017)	Part time Sweeper- 31.12.99 through Employment (Copy of Regularization order)	-do-	1.Appointment order in CPO:72/ 2000 C4/52481/99, Dt. 31.12.99 2.Regularisation CPO- 446/12, C3/68208/2010, Dt.10.04.12 3.Retirement order -CPO- 629/17, J2/Pen.24/17, Dt.28.04.17
10.	Mrs.G.Saraswathi (Retired on 30.06.2018)	Initially appointed as Part time sweeper under contingencies based on the report of Inspector, TIW, Traffic Investigation Wing	-do-	1.Report of the Inspector, TIW 2.Regularisation CPO-446/12, C3/68208/2010, Dt. 10.04.12 3.Retirement CPO- 915/2018, J2/Pen



Details of the Appellants

				27/18
11.	Mrs.K.Vimala (Currently serving)	Part time Sweeper through Employment (Copy of Regularization order)	-do-	1.Appointment order – CPO.No.701/2001, C4/50539/2000, dt. 02.04.2001 2.Regularisation-CPO-446/12, C3/68208/2010, 10.04.12
12.	Mrs.C.Pappathi (Currently serving)	Part time Sweeper-31.12.99 through Employment (Copy of Regularization order)	-do-	1.Appointment order in CPO:72/2000 C4/52481/99, Dt. 31.12.99 2.Regularisation-CPO-446/12, C3/68208/2010, 10.04.12
13.				
14.	P.Kalimuthu (Retired on 31.05.2018)	Appointed as Part time sweeper under contingencies on 17.03.1989, based on the report of Scientific Assistant C2/5753/89, 17.04.89/ CPO-587/89	Service Regularised as police Station Cleaners with STS Pay-1300-3000+300 w.e.f 1.08.09, as per G.O.653, Home (Pol.XV), dt.01.08.09	1.Report of the Scientific Assistant 2.Appointment order in CPO-587/89, C2/5753/89, Dt.17.04.89 3.Regularisation CPO-1372/09, C3/51723/2009, 27.10.09 4.Retirement-CPO-772/18, J2/Pen.29/2018, dt.30.05.2018
15.	K.Jayapal (Retired on 31.5.24)	Part time Sweeper-31.12.99 -through Employment (Copy of Regularization	Service Regularised as police Station Cleaners with	1.Appointment order in CPO:72/2000, C4/52481/99, Dt.31.12.99



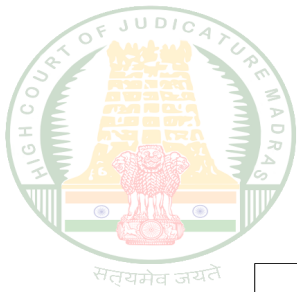
Details of the Appellants

		order)	STS Pay-1300-3000+300 wef 05.03.2012, as per G.O.202, Home (Pol.XV), dt.05.03.12	3.Regularisation-CPO-446/12, C3/68208/2010, 10.04.12
				4.Retirement-CPO-813/24, J2/pen.34/24, dt.31.05.2024

The aforesaid details and documents are not in dispute.

7. The orders referred to in column 4 extending the benefit of regularisation to all Appellant barring Mrs.C.Subbammal, are in line with G.O.No.348 dated 28.11.2017. In that G.O., the State has accepted the recommendations of the Official Committee directing that all employees in Government Departments and Local bodies in special time scale of pay shall be granted, special monthly pension/lumpsum pension, at the time of their retirement as below:

Sl. No.	Department / Name of Post	Special Monthly Pension	Lumpsum Payment
		Rs.	Rs.
(1)	(2)	(3)	(4)
.....			
II.	All Government Departments / Local Bodies		



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Sl. No.	Department / Name of Post	Special Monthly Pension	Lumpsum Payment
		Rs.	Rs.
2.	Sweeper / Sanitary Workers / Scavengers	2,000	50,000

8.In the present case, Mr.Ramesh, learned Senior Counsel for Mr.V.Subramani, learned counsel for the appellants would, on instructions, accede to the position that 12 writ appellants, who have retired from service have received a lumpsum payment of Rs.50,000/- at the time of their retirement and are presently receiving the special monthly pension of Rs.2,000/- per month.

9.The Government Order under which the benefit has been granted to them is not a subject matter of challenge. Their rendition of part time employment is also not in dispute. In such circumstances, we find no merit in the submission that their services should be regularised so as to equate them with regular Government servants in order to extend the benefits of full pension as well as other benefits received by employees in regular time scale of pay.



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10.In light of the aforesaid discussion, having regard to the benefits already received by the appellants pending disposal of the writ petition and recording the same, this writ appeal is closed. No costs.

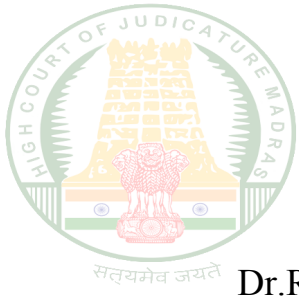
11.The remaining three writ appellants, who are presently in service are entitled to the same relief as above at the relevant juncture in time.

[A.S.M., J] [G.A.M., J]
30.01.2025

Index:Yes
Speaking order
Neutral Citation:Yes
vs

To

- 1.The Secretary to Government,
Home Department,
Fort St. George, Chennai 600 009.
- 2.The Principal Secretary,
Finance Department,
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VS

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